SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 3, 1974.

The City Planning Commission met pursuant to notice on Thursday, January 3, 1974, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Walter S. Newman, President of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R.Spencer Steele, Assistant Director - Implementation (Zoning Administrator); George A. Williams, Assistant Director - Plans and Programs; Robert Passmore, Planner V (Zoning); Richard Gamble, Planner IV; John Phair, City Planning Coordinator; Alec Bash, Planner III (Zoning); Marie Zeller, Planner III - Administrative; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Larry Liebert represented the San Francisco Chronicle; and Carol Kroot represented the San Francisco Progress.

1:00 P.M. FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 1:00 P.M. to take a field trip to properties to be considered during the Zoning Hearing to be held on January 10, 1974.

2:15 P.M., 100 LARKIN STREET

APPROVAL OF MINUTES

It was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the meeting of November 29, 1973, be approved as submitted.

CURRENT MATTERS

"Allan B. Jacobs, Director of Planning, reported that the Board of Supervisors had postponed consideration of the Commission's proposed interim residential zoning controls until January 21, 1974.

"The Director distributed copies of a Charter amendment proposed by Supervisor Kopp concerning conflict of interest. He also distributed copies of a memorandum prepared by the League of California Cities on the State Conflict of Interest Act.

"The Director advised the Commission that the Secretary of the State Resources Agency has issued a series of amendments to the State guidelines controlling environmental review by local agencies; and he indicated that he will report further on the changes following review of the changes by the staff.

"The Director reported that the Board of Supervisors, meeting on Wednesday, voted in favor of an ordinance authorizing the Rehabilitation Assistance Program which will provide low-interest rate loans for residential building repairs and improvements in designated code enforcement areas."

R73.66 - RENTAL OF EASTERLY PORTION OF GENEVA AVENUE CARBARN SITE

Richard Gamble, Planner IV, reported on this matter as follows:

"The Municipal Railway wishes to rent, on a month-to-month basis, the vacant lot east of the Geneva Avenue carbarn for use by the contractor on the rerailing of the Twin Peaks Tunnel. It would be used as temporary storage of new track material and salvageable material such as ties, spikes, rails and tie plates. Light assembly work would also take place on the site, primarily the fastening of tie plates to wooden railroad ties. This activity will employ three men in daytime hours only (8 A.M. - 4:30 P.M.). Final assembly will take place on the Muni right-of-way on 19th Avenue 300 feet in both directions from Denslowe Drive. From there the ties will be transported into the tunnel on flat car. The tunnel work will be done at night only and it will be usable for the K and L lines during the daytime. The M line will have bus service substituted for the duration of the project.

"Muni's intention is that the rental would not continue for any appreciable length of time following completion of the project, which is estimated to require between 200 and 245 calendar days.

"The carbarn site is zoned P; land surrounding on three sides, including the other side of Delano Street, is zoned R-1, and developed accordingly.

"This is not the first time that the Municipal Railway has proposed using this site for open storage. In 1962 the construction of the Southern Freeway was eliminating some of the Muni's track storage area and they sought a use permit for a five-year period to use this property for that purpose. They agreed to install screen planting and improve the fence as conditions of the approval. Neighborhood opposition caused the Commission to reduce its approval to a three-year time span, the length of time anticipated to complete freeway construction.

"Muni is asking for a short-term use of the lot for storage purposes, and is therefore not favorably disposed to making an investment in long-term improvements to the property, such as screen planting. Moreover, the storage is for a contractor's use, not Muni's use and they do not foresee any continuing storage function on the site, despite the array of reconstruction projects slated for the next few years."

Allan B. Jacobs, Director of Planning, recommended that use of the property for storage and light assembly activity be approved as in conformity with the Master Plan provided that the rental and lease should cease thirty days after completion of the retracking project.

Mrs. J. C. Roth, 632 Geneva Avenue, represented the Cayuga Improvement Club. She emphasized that the subject property is located in a first-class residential area; and she remarked that the carbarn site is ill-kept and a blight on the neighborhood. She felt that the proposed use would be inapproriate in the subject single-family residential neighborhood; and, if approval were given for the lease of the subject lot, she felt that the Municipal Railway would be encouraged to seek tenants for three other vacant parcels of property in the area.

Commissioner Fleishhacker felt that it would be preferable for the Commission to set a specific termination date for the authorization instead of merely indicating that the use should terminate thirty days after completion of the retracking project. The Director, noting that the maximum time estimated for the retracking project was 245 calendar days, recommended that the authorization be terminated 275 days after commencement of the project.

Mrs. Roth advised the Commission that the City had removed houses from the area to accommodate the widening of Geneva Avenue; and, although the City had promised to remove the foundations of those buildings, it had not kept its word.

Commissioner Farrell stated that he would ask the Municipal Railway to look into the situation and to try to clean up the lots which it owns in that area.

Mrs. Agnes Andrews, 721 Delano Street, stated that she had received a letter from the City stating that it intended to sell the corner lot which lies adjacent to her property.

After further discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the Director be authorized to report that rental of the vacant parcel of property at the southwest corner of Delano and Geneva adjoining the carbarn, for storage and light assembly activities related to retracking Twin Peaks Tunnel, is in conformity with the Master Plan provided that said rental and use terminate within 275 days of commencement of the project.

R73.71 - JURISDICTIONAL TRANSFER OF PROPERTIES IN WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2 FOR MINIPARKS.

Allan B. Jacobs, Director of Planning, stated that the Redevelopment Agency had requested that this matter be removed from the agenda and that the Commission postponed action on the proposal until a later date.

EE73.165 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED 35-UNIT APARTMENT BUILDING WITH A HEIGHT OF 160 FEET TO BE LOCATED ON PROPERTY AT 897 CALIFORNIA STREET, SOUTHEAST CORNER OF POWELL STREET

The Secretary read a letter which had been received from C. Edward Head, President of the Nob Hill Association, indicating that the members of his organization had not had sufficient time to study and evaluate the report during the holiday season and requesting that the public hearing be postponed for thirty days.

Vice President Porter asked if any members of the audience wished to be heard on this matter at the present time. No one responded.

Allan B. Jacobs, Director of Planning, recommended that the hearing be postponed until the Commission's regular meeting on January 31, 1974, at 3:00 P.M.

Vice Pres.Porter asked if the postponement would result in great inconvenience for the applicants. Ted Boone, representing the applicants, acknowledged that the subject property is sensitively located and indicated that he had no objection to a reasonable postponement for the purpose of allowing interested citizens to become familiar with the Environmental Impact Report; however, he questioned whether there was any "magic" in a thirty-day postponement.

The Director replied in the negative but indicated that the agendas for the meetings prior to January 31 are extremely crowded.

After the applicants' architect, Rene Cardinaux, had responded to several questions raised by Commissioner Ritchie concerning the design of the proposed structure, it was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that the hearing of the subject environmental impact report be postponed until the Commission's meeting on January 31, 1974.

A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

At 2:55 P.M. Vice President Porter announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:00 P.M. for hearing of the remainder of the agenda.

CU73.45 - AREA BOUNDED GENERALLY BY FULTON, SHRADER, FELL AND STANYAN STREETS

Request for authorization for a planned unit development for St. Mary's Medical Offices and Hospital Master Plan; in an R-4 District. (Under advisement from meeting of December 6, 1973).

Robert Passmore, Planner V (Zoning), summarized the presentation of this matter which had been made by the staff of the Department of City Planning during the Commission's meeting on December 6, 1973. He also noted that the Commission, during the meeting on December 6, had certified the completeness of the Environmental Impact Report for the hospital expansion and had found that the project would have a significant effect on the environment, particularly in terms of housing and traffic issues. At the conclusion of the public hearing on the conditional use application on that date, the staff of the Department of City Planning had indicated that it was not prepared to make any recommendation on the application; and, believing that the proposal could be reviewed by the San Francisco Comprehensive Health Planning Council within the month, the staff had recommended that the matter be continued until today's meeting. Unfortunately, the San Francisco Comprehensive Health Planning Council had not yet completed its review of the proposed project. While the Council had written a letter requesting that the matter be continued under advisement for 30 additional days, the staff now understood that the Council would be prepared to give the Commission its advice by January 11. The staff had also conferred with the City Attorney to determine whether the Commission could legally act on an application involving privately-owned land for which the hospital has been granted a certificate of necessity to use powers of eminent domain for acquisition and had been advised by the City Attorney that the Commission does have such authority. However, since the hospital had not obtained a certificate of necessity for the property located on the southeast corner of Fulton and Stanyan Streets, the Commission could not grant the hospital authorization for conditional use of that property. During the interim, the staff of the Department of City Planning had also been advised informally by the Traffic Engineering Bureau of the

Department of Public Works that location of the proposed office building on an alternate site south of the new hospital would create greater traffic congestion than the proposal presently under consideration. Mr. Passmore stated that the first matter which should be decided by the Commission during the present meeting was whether the Commission wished to proceed with its hearing on the application. In addition to the request for postponement which had been received from the San Francisco Comprehensive Health Planning Council, requests for postponement or continuation had also been received from J. Engmann and from the Inner Sunset Action Committee (ISAC). In conclusion, he advised the Commission that the San Francisco Comprehensive Health Planning Council had been established in 1969 under Federal law. He indicated that the Council is responsible for determining the health needs of San Francisco and for planning to meet those needs; and the Council is required to review and comment on any health projects using State or Federal funds. In addition, the Council serves the quasi-governmental capacity of licensing hospitals involving the approval or disapproval of the number of beds permitted in San Francisco. He stated that the Department of City Planning had sought advice from the Council in the past relating to proposals for hospital bed facilities; however, until the staff had received a letter from the Council offering to give its advice on the proposed medical office facility, the staff had not realized that the Council was prepared to offer advice relating to non-bed hospital facilities.

Vice President Porter asked if the study of the proposed medical office building would extend the jurisdiction of the Comprehensive Health Planning Council. Allan B. Jacobs, Director of Planning, replied that the Commission need not be bound by any advice which might be offered by the Council. He pointed out that the Council has expertise in the medical field; and, in view of the fact that questions had arisen concerning the need for the proposed facility during the public hearing held by the Commission on December 6, he felt that the advice of the Comprehensive Health Planning Council would be helpful. Therefore, he recommended that the public hearing be continued for two weeks.

Commissioner Mellon stated that it seemed to him that the only matter under consideration by the Commission was the particular location of the office building on the site in view of the fact that the question of need should have been decided when the Commission first approved the inclusion of a medical office building in the hospital's master plan six years ago.

Commissioner Fleishhacker asked if a medical office building of the size presently being proposed had been in the hospital's master plan for six years. Mr. Passmore replied in the negative, indicating that the first time that the staff of the Department of City Planning had learned of a proposal for a medical office building had been in the spring of 1972; and that proposal had not been brought before the Commission until December 6, 1973. A plan which had been shown to the staff in 1968 did indicate future northward expansion of the hospital to Fulton Street; however, the Master Plan

which had been submitted and approved by the Commission in 1969 showed no northward expansion on the site except for an interm's residence.

Commissioner Mellon remarked that the hospital's plans for construction of a medical office building and, in any case, been a matter of public knowledge; and he stated that the Comprehensive Health Planning Council had been aware of the plans for the facility for at least two years.

Commissioner Fleishhacker asked if he had been correct in understanding that the City Attorney had advised that the Commission could not consider the property located on the southeast corner of Stanyan and Fulton Streets because the hospital has not obtained a certificate of necessity enabling it to use the power of eminent domain for acquisition of that parcel of property. Mr. Passmore replied that the City Attorney has indicated that the Commission could not grant conditional use authorization affecting that parcel of property. However, even though the property is not owned by the hospital, it could be included in the hospital's master plan. He noted that the applicant had made two changes in the master plan since the meeting of December 6. The first change was to modify the master plan to indicate no new construction south of Hayes Street; and the second change had involved deletion of the property at the southeast corner of Stanyan and Fulton Streets from the first phase of the master plan. However, the hospital had not formally deleted the property at the southeast corner of Stanyan and Fulton Streets from its conditional use application.

Commissioner Fleishhacker asked if there is a difference between a conditional use application for a planned unit development and a conditional use application filed under the provisions of Section 303 of the City Planning Code. Mr. Passmore replied that the basic procedures involved in both instances are substantially the same. A planned unit development is a special type of conditional use involving a request for modification of specific requirements of the City Planning Code for sites three acres in size or larger; and he indicated that the conditional use application presently under consideration was, in effect, a request for a planned unit unit development.

Commissioner Fleishhacker stated that he supported the Director's recommendation for a two week postponement. He remarked that the Commission was actually considering a proposal for total development of the subject site for hospital and other medical uses; and, while the Comprehensive Health Planning Council's principal responsibility is to perform as a planning body for hospitals, he remarked that nothing in its by-laws would preclude it from giving advice to the Commission on related facilities.

Vice President Porter emphasized that the City Planning Commission has responsibility for making zoning determinations; and she did not feel that the matter presently before the Commission should be decided by the Comprehensive Health Planning Council, which has other responsibilities of its own.

Commissioner Fleishhacker emphasized that the Director had stated that the Commission need not be governed by the Council's advice; but he felt that the Commission should be aware of the Council's determination as to whether the proposed facility is both desirable and needed to serve the best interests of the community's health care. He pointed out that a medical office building is not a principal permitted use in a residential district; and, while such a facility can be approved in a residential district as a conditional use, the City Planning Code specifies that the Commission, in granting a conditional use, must establish "that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and that such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity." He believed that the advice of the Comprehensive Health Planning Council would be an important aid to the Commission in determining whether those criteria were met by the proposed development; and, while other members of the Commission might presume that the findings of the Council would be negative, he indicated that he had not made that assumption.

Commissioner Ritchie displayed a map dated 1958 which had been prepared for St. Mary's Hospital by Hertzk and Knowles; and he pointed out that the map clearly indicated a large "L-shape" structure to be located on the southeast corner of Fulton and Stanyan Streets. While the structure was not labeled for office use, it was nevertheless apparent that a major building was being contemplated. He then asked the Director to comment on the type of information which the Comprehensive Health Planning Council might be expected to provide concerning the proposed facility.

The Director replied that the Council would be able to advise the Commission as to whether an office structure of the scale contemplated would be a necessary or desirable facility in terms of meeting the health care needs of the City. He emphasized that the Council would not be expected to provide advice on the design of the building or its location on the site since those matters are within the expertise of the staff of the Department of City Planning to evaluate.

Commissioner Ritchie observed that the Commission had previously taken the subject application under advisement for one month; and, under the circumstances, he indicated that he would be opposed to further delay.

Mr. Passmore stated that the plans which had been prepared by Hertzk and Knowles had been drawn in 1968 rather than in 1958 and were apparently misdated. In any case, he emphasized that the plans which had been approved by the Commission in 1969 did not show a building on the southeast corner of Stanyan and Fulton Streets. Furthermore, the hospital neither had an option to purchase that property nor did it have the power of eminent domain in 1969; and, as a result, he was confident that the nature of any building being contemplated for that property had not been discussed before the Commission at that time.

Christian J. Matthew, Director of Planning and Development for St. Mary's Hospital, confirmed that the Hertzk and Knowles plans had been drawn in 1968 and that they were inaccurately dated.

Commissioner Farrell stated that he did not feel that any information which could be provided by the Comprehensive Health Planning Council would be helpful to him in reaching a decision on the subject application. He stated that he was familiar with the operation of the medical center; and he was convinced that services which the center provides are necessary and desirable for the community. He remarked that it is a common practice across the country for medical office buildings to be included in hospital complexes; and he indicated that experience has pointed to the fact that locating medical office building in proximity to hospitals is of overall benefit to the services provided by the hospitals. He stated that his reaction to the subject application was positive.

Commissioner Rueda asked if the staff of the Department of City Planning had first approached the Comprehensive Health Planning Council or if the Council had first approached the staff. The Director replied that the staff had not approached the Council because it was not aware that the Council provide expertise on the issue under consideration. However, when the Council offered to provide advice on the matter, the staff had indicated that it would be glad to receive the information.

Commissioner Mellon observed that the Comprehensive Health Planning Council had not previously offered advice concerning medical office buildings in spite of the fact that almost all of the hospitals in the city now have such facilities.

Vice President Porter remarked that delays by the Commission in approving plans inevitably increase the applicant's cost; and, in view of the fact that the subject application had been filed in September, she felt that the Comprehensive Health Planning Council should have been able to give its advice to the staff already.

Commissioner Fleishhacker asked representatives of the hospital to comment on the two-week postponement which had been recommended by the Director.

Christian J. Matthew, Director of Planning and Development for St. Mary's Hospital, stated that the staff of the Department of City Planning and the City Planning Commission have a right to consult with any organization which might be able to provide information pertinent to the question at hand. However, he did wish to register concern about the possibility of further postponement of the Commission's action on the subject application. He stated that it had been expected that the application would come before the Commission in September; but the staff of the Department of City Planning had requested a one month's delay for completion of the Environmental Impact Report. Subsequently, additional requests for delay had arisen, causing the hospital increasing concern. In conclusion, he stated that the estimated

cost for construction of the proposed facility is escalating at the rate of $100,000 per month.

Commissioner Fleishhacker inquired about the total estimated cost of the project. Mr. Matthew replied that the total cost of the project was estimated at $10 million. He also advised the Commission that the organization which had preceded the Comprehensive Health Planning Council had approved a Master Plan for St. Mary's which had included properties up to Fulton Street even though that same plan had not been approved by the Commission because the hospital did not owned all of the land at the time. He emphasized that the Comprehensive Health Planning Council had indicated that its report would be available prior to today's meeting; and he had expected that the Council would meet that deadline.

Commissioner Fleishhacker asked Mr. Matthew if he felt that the proposed two-week delay would be unnecessary and undesirable. Mr. Matthew replied in the affirmative.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Farrell and carried 4 to 2 that the request to postpone action on the conditional use application be denied. Commissioners Farrell, Mellon, Porter, and Ritchie voted "Aye"; Commissioners Fleishhacker and Rueda voted "No".

The Commission then proceeded with the public hearing on the conditional use application.

Mr. Matthew advised the Commission that a number of meetings had taken place since the public hearing on December 6, including two meetings involving members of the community. During the previous hearing, a question had been raised as to why it would be possible to locate the proposed office building south of the existing hospital. Because of height limitations and other restrictions, the hospital believed that it would be impossible to locate the office facility south of the hospital; and, if the facility were to be located in that area, it was the hospital's opinion that traffic in the area would become more intolerable than if the facility were to be located north of the hospital. The hospital had asked representatives of the community to offer alternatives to the proposed master plan; and the hospital itself had suggested that the project might be phased in a way which would make it more acceptable to the neighborhood; but the neighborhood representatives had not regarded that as a reasonable alternative. Another issue which had been raised was that of housing. The hospital recognized that housing is a matter of social concern; and it believed that it should be possible for it to help all residents and owners of properties which would be acquired for the expansion to relocate. In fact, the hospital had asked a realty firm to conduct a brief survey of rentals available within a one mile radius of the subject site; and the results of the survey had indicated that suitable relocation housing could be found. He

stated that the hospital had had a preliminary meeting with a member of the staff of the Comprehensive Health Planning Council. The hospital had also requested friends of the hospital to sign a petition in support of the subject conditional use application; and 1651 signatures were recorded.

Commissioner Fleishhacker asked about the proportion of the proposed complex which would be devoted to medical office buildings and the proportion which would be used for accessory medical facilities. Mr. Matthew replied that approximately 111,000 square feet of space would be assigned for doctors' offices, 18,000 square feet of space would be assigned for support facilities, and 12,000 square feet of space would be assigned for a clinic and for community educational purposes.

Commissioner Fleishhacker asked if the accessory medical facilities to be housed in the office complex are presently located in the hospital; and, if so, are they available for both in-patient and out-patient care. Mr. Matthew replied that some of the most sophisticated equipment in the hospital would continue to be used for both in-patient and out-patient care while the office building would have its own x-ray laboratory as well as other relatively uncomplicated equipment.

Commissioner Ritchie, reviewing the petition which Mr. Matthew had submitted in support of the application, remarked that many of the people who had signed the petition live in the subject neighborhood while others live in other parts of the city or outside of the city altogether; and he indicated that it was his impression that the hospital serves the city as a whole.

Mr. Matthew stated that he agreed with Commissioner Ritchie; and, for that reason, the hospital had decided that any one who wished to support the conditional use application should be allowed to sign the petition. He stated that most of the hospital's patients do come from San Francisco; however, some of the hospital's patients do come from other communities.

Commissioner Farrell asked if he were correct in understanding that St. Mary's Hospital has the only in-patient facility for adolescent mental health care in San Francisco. Mr. Matthew replied that the St. Mary's does have the only sizable facility of that sort in the city, the only other one being a very small clinic at the Langley-Porter Institute.

Commissioner Fleishhacker asked if the in-patient adolescent mental health care clinic would be located in the proposed facility which was presently under consideration by the Commission. Mr. Matthew replied in the negative.

Daniel Donovan, operator of a pharmacy located in a medical building at 2156 Hayes Street, stated that he had been in business in the neighborhood for 15 years; and, during that time, he had seen the neighborhood deteriorate. At one time, approximately 50 physicians maintained offices in the

area while less than 20 are in the area at the present time. Those who had left had done so because the neighborhood does not have adequate office space or sufficient off-street parking and because of the undesirability of bringing their patients into a neighborhood which is deteriorating. He thought that construction of a large new office building would encourage more people to invest in the area; and, as a result, he believed that more new housing would be developed.

Commissioner Fleishhacker remarked that Dr. Soloman, former Chief of Staff of St. Mary's Hospital, had testified during the hearing on December 6 that approximately 60 doctors have offices in the immediate vicinity.

Mr. Donovan stated that he could count less than 20 medical offices in the area; however, he was convinced that physicians who had left would return to the neighborhood if the new office building were to be constructed.

Stoner Lichty, owner of apartment buildings housing 26 tenants in the area, stated that several of his tenants had told him how much they appreciate the proximity of the clinic of St. Mary's Hospital; and, since he was aware that the continued existence of the clinic would depend upon the help of the hospital, he wished to offer his support to the subject application.

William L. Wagner, 175 Clifford Terrace, expressed his strong support for the conditional use application and stated that the only thing which would encourage landlords such as himself to improve their property would be an infusion of new capital into the area.

Sherwood Stockwell, architect for St. Mary's Hospital, indicated that he was present to answer any questions whhch might be raised by the Commission concerning the design of the proposed facility. He also noted that one of the major adverse effects of the project cited in the Environmental Impact Report related to traffic considerations; and he indicated that a representative of the Traffic Engineering Bureau of the Department of Public Works was also present in the audience.

Commissioner Fleishhacker, noting that a comment had been made earlier in the meeting relative to the fact that location of the medical office building south of the hospital would generate greater traffic problems than an office building located along Fulton Street, asked if any comparison had been made between the present traffic situation in the area and the situation which will exist if the buildings are constructed as proposed.

Mr. Spagnelli, representing the Traffic Engineering Bureau of the Department of Public Works, estimated that the proposed facility would increase the volume of traffic on Fulton Street by approximately 50 percent. Since Stanyan Street is already a major thoroughfare, he felt that the traffic which would be generated by the proposed facility would have very little effect on the traffic situation on that street. Since the existing volume on Shrader Street is extremely low, any additional traffic whatsoever would have an incremental effect.

Commissioner Fleishhacker asked if any of the streets in the immediate vicinity have been designated as major transit streets. Mr. Passmore replied that Fulton, Hayes, and Stanyan Streets had all been designated as transit-preferential streets.

Anna Guth advised the Commission that the Haight Ashbury Improvement Association strongly supported the subject application.

David Finn objected to Mrs. Guth's statement and indicated that he had a copy of the minutes of a recent meeting of that organization indicating that the members were opposed to the application.

Vice President Porter observed that the Commission could assume that the membership of the Haight Ashbury Improvement Association was not unanimous in its support of or opposition to the application.

Miss Leandra Erpelding, 1212 11th Avenue, informed the Commission that the Sisters of Mercy, who operate St. Mary's Hospital, have provided service to the San Francisco community for 120 years; and she recited a history of activities in which the Order has been active.

Mrs. Vincent P. Finigan, 201 Vicente Street, remarked that neighbors who were now objecting to the subject application had made use of every square inch of the hospital.

Douglas Engmann, 408 Stanyan Street, representing an organization composed of residents of the neighborhood who were opposed to the proposed project, indicated that they were outraged by the Commission's decision not to grant the request for a two-week postponement. He stated that he had obtained approximately 600 signatures in opposition to the application within a two to three-block radius of the subject site; and he informed the Commission that 75 percent of the owners of residential property in the area had signed the petition. He displayed a map which he had prepared to show the location of properties owned or occupied by individuals who had signed the petition in opposition to the application; and he observed that the lots which had been colored on the map represented approximately 90 percent of the lots in the area. He stated that the neighborhood was entirely opposed to the proposed project; and he indicated that they would not be satisfied until they have won a victory over the hospital. He questioned the validity of the petition which had been submitted by the hospital in support of the application insofar as the hospital had solicited signatures from its employees and from sick people; and he stated that opponents to the application would not have used such tactics. He also believed that the Commission, in approving the application, would be establishing a precedent. He stated that not all hospitals in San Francisco have office buildings at the present time; however, it is apparent that some of them are beginning to apply for such facilities. Eventually, if the trend should continue, he believed that the City would have a surplus of doctor's offices, just as it now has a surplus of hospital beds. In fact, he had seen a number of "vacancy" signs on medical office buildings in the subject neighborhood and in other neighborhoods throughout the City. He doubted that there is a need for an additional medical office building; and, as a result, he regretted

that the Commission had denied the Comprehensive Health Planning Council an opportunity to present its advice on the question of need. By approving the subject application, the Commission would be "bulldozing" people out of their homes. He also noted that the conditional use application could affect properties which are not presently owned by the hospital; and he indicated that he seriously questioned the legality of that type of action. He remarked that the hospital had not obtained a certificate of necessity to use eminent domain powers to acquire the property on the southeast corner of Fulton and Stanyan Streets, even though the owner of that property had stated that he had no intention of selling the property to the hospital; and, if the hospital did not intend to build on that property, he thought that it should make a declaration to that effect.

Commissioner Ritchie asked Mr. Engmann what alternate proposal he could offer for development of the hospital.

Mr. Engmann replied that residents of the neighborhood would prefer that no office building whatsoever be constructed; however, they would be willing to consider a proposal for an office building which would conform to the guidelines established in the Haight Ashbury Plan, i. e. one which would be located on property already owned by the hospital and which would take community needs and traffic concerns into consideration. He remarked that the section of the City Planning Code which had been read by Commissioner Fleishhacker requires the Commission to determine that a facility is needed before granting conditional use approval for its construction; yet, no determination had been made that the proposed facility is, in fact, needed. The Code also provides that a project approved as a conditional use shall not have a detrimental effect on the neighborhood in which it is to be located; and, in that regard, he noted that the Commission had already certified that the proposed facility would have an adverse impact on the neighborhood, particularly in terms of traffic congestion and the removal of existing dwelling units. He questioned the legality of the conditional use application because it included property which is not owned by the hospital; and he believed that approval of the application would invalidate the Haight Ashbury Plan which represented the culmination of three years of work. Under the circumstances, he felt that the Commission should disapprove the application.

Commissioner Rueda asked how many people had signed the petition in opposition to the application. Mr. Engmann replied that 810 signatures had been obtained, 600 of which were from individuals residing within a two-or three-block radius of the subject property.

Commissioner Ritchie asked how many tenants would be directly affected by the proposed project. Mr. Engmann replied that the project would require the removal of ten buildings containing a total of 48 dwelling units. Seven of the buildings are privately-owned, while three are owned by the hospital.

Calvin Welch, representing the Haight Ashbury Neighborhood Council, submitted and summarized the following prepared statement.

"At its regular general membership meeting on December 13, 1973, the Haight-Ashbury Neighborhood Council once again unanimously reaffirmed its opposition to St. Mary's proposed Medical Office Building.

"The reasons for that position have been set out twice before this Commission and, of course, reaffirmed by your action on December 6 when you agreed that the project would have a 'significant' --that is harmful-- effect on the housing stock and traffic congestion in our neighborhood.

"The two remaining issues before the Commission are:

"a) Amending St. Mary's Master Plan.
"b) Granting of a Conditional Use Permit for the building of the office complex.

"Both should be denied.

"St. Mary's Hospital has, in fact, no Master Plan to amend. They have, to quote Mr. Matthew, a series of 'drawings ...prepared to illustrate how the Master Plan of St. Mary's Hospital and Medical Center might evolve over the years'. Indeed, the drawings shown me by Mr. Stockwell and Mr. Matthew on December 26 had changed from the drawings shown the Commission on December 6. For example, the drawings displayed on the 26th showed no future development on the block bounded by Fell, Hayes, Stanyan and Shrader as did the drawings shown the Commission on December 6. Plans that change in twenty days are, of course, not master plans; they are political plans, if you will.

"The Commission in 1972 denied Harkness Hospital a Conditional Use Permit for Beverly Manor Nursing Home because the hospital had no Master Plan. To do otherwise in this case would show the rankest sort of favoritism to St. Mary's

"Also, as was set out in HANC's December 6th presentation, the Commission's Final Report on the Haight-Ashbury lays important stress on hospitals in the Haight-Ashbury not only having Master Plans approved only after a public hearing (this St. Mary's has never done) but also requiring such Master Plans to:

> 'Take into account needs of the Haight-Ashbury community, including, but not limited to, the need to maintain an adequate supply of low and moderate priced housing, the need to reduce traffic congestion and the demand for parking, and the need to provide medical and social services to the community insofar as possible.' (Memorandum, Haight-Ashbury Final Report, p.9).

"A changing set of drawings pointing out how the Hospital 'might evolve over the years' hardly fulfills such a requirement.

"Turning to the question of the Conditional Use Application, St. Mary's application includes property it does not own nor has it applied

for eminent domain powers to condemn. In short, it is requesting that the Commission grant it a use for property it neither owns nor has the power to acquire. This alone should be sufficient reason to turn down the request.

"Of course, if the application is amended to exclude that property, then a new hearing at a later date should occur -- after St. Mary's produces a Master Plan.

"You have already certified that the office building would have an adverse effect on the environment, displace 150 residents and destroy critically needed and scarce middle to low-priced housing units in a residential neighborhood. What is the counter-balancing medical need served? Office space for doctors is not in short supply. Nearly forty such offices are within a block of the Hospital now.

"San Francisco Comprehensive Health Planning Council was asked by the Commission to look into the medical need side of this issue. Its president, Dr. Sanford Feldman has requested an additional one month delay to study that question. Such time as is needed must be granted S.F.C.H.P., for the medical need side of the question is critical. Unless there is an overwhelming need for office space for doctors then the disadvantages already known to be part of the project far outweigh mere convenience or profit for the Hospital.

"Therefore, the Haight-Ashbury Neighborhood Council recommends:

"1) St. Mary's be required to develop a Master Plan in accordance with the Commission requirements set forth in the Haight-Ashbury Final Report.

"2) The Conditional Use Permit be denied because St. Mary's:

"a) has no Master Plan and
"b) wishes to use property it does not own nor have an ability to acquire through eminent domain.

"3) San Francisco Comprehensive Health Planning Council be be asked to hold a hearing, with Planning Department staff reporting on the requirements of the Haight-Ashbury Final Report, to determine the medical need of a doctor's office building and that the Commission postpone final action until the results of that hearing are presented to it."

In conclusion, Mr. Welch stated that a brochure which had been circulated in the neighborhood by the hospital had described a master plan which was different from the one presented before the Commission. In addition, he noted that the brochure had listed Mrs. Thomas J. Mellon as a member of the hospital's development committee; and, if that Mrs. Mellon was Commissioner Mellon's wife, he questioned whether it was appropriate for Commissioner Mellon to be

participating in the Commission's deliberations.

Commissioner Mellon stated that he used to be affiliated with the St. Mary's hospital; however, he had severed his ties with the institution in 1964 after assuming the office of Chief Administrative Officer. He stated that he has no control over Mrs. Mellon's committee activities.

Mr. Welch advised the Commission that the principles and policies in the Haight Ashbury Plan relating to institutional expansion had been of great concern to residents of the neighborhood; and he emphasized that St. Mary's Hospital had never raised any objection to the process proposed during the course of the Haight Ashbury study.

Mrs. Vera Duhon stated that her grandparents, who are elderly, live on property which they own at 2253 Fulton Street; and she indicated that a forced move would be an intolerable hardship for them. She stated that St. Mary's Hospital is good for the community; but she emphasized that the hospital has already been constructed. The only facilities presently under consideration were an office building and a parking garage. She stated that what is wrong with the world today is that people have forgotten about each other; and she stated that her parents belong in the subject neighborhood.

Willie Protho, her grandfather, stated that women have always felt strongly about their homes; and, in view of the fact that the matter before the Commission involved the demolition of dwelling units, he was surprised that there were not 4 or 5 thousand women in the audience to object to the application.

Commissioner Rueda asked if St. Mary's Hospital had made an effort to purchase Mr. Protho's property. Mrs. Duhon replied in the negative, indicating that her parents had been approached by no one except a real estate agent a year or so ago. She also advised the Commission that her daughter, who lives with her grandparents, is able to attend the Andrew Jackson as a walk-in student because she lives in the neighborhood.

David Finn, a member of the Haight Ashbury Improvement Association, informed the Commission that the only recent meeting of the organization at which a quorum was present was held on November 7; and, while no vote was taken at that meeting regarding the subject application, he indicated that the general concensus of opinion was in opposition to the application. He emphasized that most of the space in the proposed facility would be devoted to office use; and, if new offices were to be constructed, he felt that they would be better located on either Hayes or Fulton Street, both of which are in need of commercial development. Instead of constructing a new office building on the subject site, he thought that the hospital should assist doctors in locating their offices on those streets.

Arden Danekas, representing the Planning Area for the Richmond (PAR), felt that the Commission should withhold action on the subject application until it has received the advice of the Comprehensive Health Planning Council.

Jeraldine deStefano, resident of a building owned by St. Mary's Hospital at 424 Stanyan Street, stated that she had taken her child to the hospital's clinic on one occasion when he was injured; and the clinic had refused to even look at the child because her doctor was not affiliated with the hospital. Under the circumstances, she questioned the extent to which the clinic provides a service for the neighborhood. She stated that she regretted losing her apartment. She had already started looking for a new dwelling; but she had found nothing renting for less than $200, a price level which she felt she could not afford. In reply to a question raised by Commissioner Ritchie, she stated that she currently pays $160 a month for an apartment which has two bedrooms; and she indicated that she had previously lived in the vicinity of Fulton and Filmore Streets, which is a much rougher neighborhood.

Paul Miller, a resident of the Haight Ashbury neighborhood, stated that his neighbors were extremely concerned about the ramifications which the type of facility being proposed would have in the area. He felt that the only justification for such a project would be proof of an over-riding need for the facility; yet, no evidence of that need had been demonstrated. He remarked that St. Mary's Hospital has a fairly good reputation and that it will have one of the newest hospital buildings in the city; and, in view of the fact that members of the Catholic faith preferentially seek treatment at St. Mary's Hospital because of its Roman Catholic affiliation, he did not feel that the hospital is in a bad competitive position. As alternatives to the project being proposed, he suggested that the hospital might consider constructing medical offices on lots which it already owns, that it might consider converting existing surplus bed space for office use, as was done by Mary's Help Hospital in Daly City, or that it might become involved in the development of small scale primary-cluster offices throughout the city which might be linked to the hospital by a special transportation system. In conclusion, he emphasized that the Environmental Impact Report on the proposed project had indicated that one third of the proposed office building would be occupied by doctors who are not now practicing in the neighborhood.

April Duhon, speaking again on behalf of her grandmother and grandfather who live at 2253 Fulton Street, stated that no one should have the right to force people to move out of their homes; and, because construction of the proposed project would have that effect, she felt that it should be disapproved.

Vice President Porter asked if the hospital intended to acquire all of the property involved in the immediate future. Mr. Matthew replied that full development of the master plan would require the acquisition of all parcels of property for which the hospital had obtained certificates of necessity, authorizing it to use eminent domain powers. While some people seemed to regard the power of eminent domain as being a terrible threat, he remarked that certain tax advantages do accrue to the seller when the power is exercised; and, in any case, he indicated that the hospital does intend to assist in the

relocation of people who are displaced.

Commissioner Fleishhacker asked if he were correct in understanding that "full development" of the first phase of the master plan would not involve acquisition of the property located on the southeast corner of Stanyan and Fulton Streets which is owned by Mr. O'Neill. Mr. Matthew replied in the affirmative. He stated that Mr. O'Neill had indicated that he would not be willing to sell his property at the present time although he might be willing to sell it at some future date.

Commissioner Fleishhacker then remarked that Phase 1 of the proposed medical office project would involve only property which is already owned by the hospital; and, if only Phase I were to be completed, he wondered what facilities would be available.

Mr. Matthew replied that Phase I was intended to consist exclusively of medical offices while Phase II would provide a clinic and facilities for the hospital's community health and education programs. If only the first phase of the project were to be permitted, however, that building would have to provide some space for each of the various activities which he had mentioned.

Commissioner Fleishhacker then asked if the hospital was proposing to move the clinic from its existing quarters to the new building because the building which it presently occupies is antiquated. Mr. Matthew replied in the negative, indicating that the clinic would operate more efficiently if it were located in the medical office building; and he indicated that the clinic would also be more useful for training purposes if it were to be located in the new complex.

Commissioner Ritchie stated that he was confused by a letter addressed to Mr. Matthew under date of February 25, 1972, and signed by Edwin Dunn and Calvin Welch of the Haight Ashbury Neighborhood Council and by the Rev. Lyle W. Grosjean, director of the Ecumenical Ministry in the Haight Ashbury, which contained the following statements:

> "We appreciate the support of St. Mary's Hospital for Haight-Ashbury rezoning. We support the attempts of St. Mary's Hospital to engage itself in meaningful dialogue on the requirements and opinions of the neighborhood of which it is a part. We wish that the other hospitals in our neighborhood were equally cooperative.
>
> "We agree with the just and sensible position taken by St. Mary's Hospital confining its development to the blocks it currently occupies (those being the entire blocks numbered 1191, 1192, and 1213 on the Assessor's map.)
>
> "We further agree that St. Mary's Hospital has an indisputable right to develop the property mentioned above in any manner it sees fit that will enable it to better serve the health needs of our community and the wider community of San Francisco."

Since the plans which were presently under consideration involved only properties located in blocks currently occupied by the hospital, he did not understand why Mr. Welch had repudiated the position stated in the letter and had spoken in opposition to the application.

Mr. Matthew stated that the hospital had been surprised when it had first learned that it was considered to be part of the Haight Ashbury district. Later, while making it clear that the hospital was in agreement with the basic concept of the Haight Ashbury Plan, he had emphasized that the hospital's master plan required further expansion in the three blocks which it presently occupies as defined in the letter to which Commissioner Ritchie had referred. On the basis of the commitment contained in that letter, he had supported the neighborhood's request for large scale re-zoning of the area. He stated that he could not explain why the people who had signed the letter had reversed their position.

Mr. Welch advised the Commission that the letter in question represented part of a "trade-off" between neighborhood organizations and St. Mary's Hospital; and, regardless of what words might have been used in the letter, the intent had been that the hospital should not expand beyond property which it then owned in the three blocks mentioned.

Commissioner Rueda asked if the people who had written the letter had requested Mr. Matthew to identify the property which was then owned by the hospital. Mr. Welch replied that they already had that information since they had been required to supply the Department of City Planning with a list of the owners of property included in the re-zoning application.

Rev. Lyle W. Grosjean stated that the people who had signed the letter were primarily concerned about the proposed re-zoning at that time; and he indicated that it had not occurred to him at that time that the hospital would be given the authority to take homes away from people who do not wish to sell them. He emphasized that the need for the proposed facility had not been proven to residents of the neighborhood; and he remarked that the individuals who were opposing the application were anxious to preserve a neighborhood setting in which people can act voluntarily.

Della MacPherson, owner of property at 2263-65 Fulton Street, stated that one of her tenants is moving; and, until such time as it is clear whether or not the hospital will proceed with the project, she would not be able to estimate how much she should spend to maintain the quality of the units in her building.

Michael O'Neill, owner of the apartment building on the southeast corner of Fulton and Stanyan Streets, felt that the hospital should build only a portion of the project initially, and that it should then wait for approximately five years before deciding whether to proceed with the remainder of the project. He also advised the Commission that he was pleased that his property had been deleted from the hospital's immediate plans.

Sue Hestor, representing San Francisco Tomorrow, stated that she was strongly opposed to the application because of her concern about the effect which traffic generated by the proposed project would have on the neighborhood and on Golden Gate Park. She noted that the Environmental Impact Report had stated that the facility would generate 1500 automobile trips a day; and it was her personal feeling that that figure represented an "under-estimate". She doubted that the parking spaces being proposed would be approved by the Federal Environmental Protection Agency; and, even if that approval were to be obtained, she believed that the hospital would probably charge people a fee to park in its garage. In either case, people arriving at the facility by automobile would probably be inclined to park on the street or across the street in Golden Gate Park. She felt that the representative of the Traffic Engineering Bureau of the Department of Public Works had been extremely vague; and she disagreed with his statement to the effect that additional traffic would have no great effect on streets which already carry a great deal of traffic. By approving the subject application, she believed that the Commission would create a gigantic traffic bottleneck.

John Bardis, representing the Housing and Zoning Committee of the Inner-Sunset Action Committee (ISAC), stated that he had met with representatives of the hospital and the Department of City Planning during the interim since the Commission's last hearing and had asked for a copy of the hospital's master plan. All that he had received from the hospital in return was a set of drawings and no information whatsoever concerning the financing of the proposed project. In the absence of data relating to the cost of each of the proposed buildings and the methods to be used to finance them, he did not believe that what the hospital had given him was, in effect, a master plan. He also remarked that the Bay Area already has a surplus of 1,000 hospital beds; and he stated that the density of hospital beds in San Francisco is double that of other communities in the Bay Area. He acknowledged that there may have been a need for additional hospital beds when the City Planning Commission approved the new hospital building for St. Mary's four years ago; but he emphasized that the situation had changed since that time.

Commissioner Ritchie advised Mr. Bardis that matters of financing were the concern of the hospital and not the concern of the City Planning Commission.

Commissioner Fleishhacker noted that Mr. Matthew had stated earlier in the meeting that the cost of the total project would be approximately 10 million dollars.

Mr. Bardis stated that it continued to be his opinion that no master plan existed since no information had been made available regarding the financing of the proposed project; and he noted that the Commission had previously refused to approve an expansion project proposed by Harkness Hospital because that hospital had no master plan.

Commissioner Rueda asked if other institutional master plans which had been approved by the Commission had contained information relative to proposed methods of financing. The Director replied in the negative.

Mr. Bardis advised the Commission that the occupancy rate of hospital beds in San Francisco is now down to 68 percent; and he emphasized that the surplus beds are being paid for by the patients who are using the hospitals. In conclusion, he submitted a chart which he had prepared to reflect hospital use trends in San Francisco.

Mary Burns, representing Assemblyman Willie L. Brown, stated that the Assemblyman did not feel that destruction of existing housing is in the best interests of the Haight-Ashbury neighborhood or of the City as a whole. She also informed the Commission that the Assemblyman had served on a Joint Committee on Siting of Teaching Hospitals; and he was prepared to offer the expertise of his staff to look into alternatives to the project being proposed by St. Mary's Hospital.

Norma Harrison, a resident on Grove Street, stated that community feeling has been broken down over the past 30 years as institutions and facilities have become centralized; and, as a result, institutions such as St. Mary's Hospital have ceased to be concerned about people who live in the neighborhood in which they are located. She did not feel that the people who had signed the petition in support of the subject application were fully informed about the nature of the project being proposed.

Mrs. Susan Bierman, 1529 Shrader Street, stated that she had attended many meetings concerned with the planning of her neighborhood and prided herself on being an informed resident of the area; yet, she had been surprised to find that St. Mary's Hospital, during the course of the Haight-Ashbury study, had purposely neglected to mention that it was planning to construct a major office building and a 1500 car parking garage. When plans for the proposed project were finally made public, they had seemed to her to be so bad that it had never occurred to her that they would be approved. She advised the Commission that residents of the neighborhood would accept a medical office building, but only if it were smaller in scale than the one proposed and only if fewer parking spaces were to be provided. Under the circumstances, she urged the Commission to instruct the staff to work further with the hospital and the neighborhood to reduce the scale of the project.

A member of the audience who resides in the vicinity of the old Notre Dame hospital site stated that he had read in the newspaper that St. Mary's Hospital has plans for that property; and, since he had not been able to obtain any information on that subject from the hospital, he had decided to bring the question to the Commission.

Vice President Porter explained that representatives of the hospital had advised the Commission on December 6 that a Federally-financed housing program was being considered for that site; and she asked Mr. Matthew if he would comment on the present status of that project.

Mr. Matthew stated that the hospital had signed an agreement with the Maisin Development Corporation in support of their application to the Federal Department of Housing and Urban Development for funds; and, if that application

were approved, the buildings on that property would be converted into approximately 230 subsidized dwelling units.

Mr. Engmann stated that he felt that the antagonism which the Commission had displayed to members of the community was absolutely disgraceful; and he thought that it was noteworthy that every individual who had spoken in opposition to the application had spoken as if the Commission's decision had already been made.

Commissioner Fleishhacker, observing that the first action before the Commission would be to approve or disapprove the hospital's master plan, asked that he be shown the precise document which was before the Commission for action. The document was put before Commissioner Fleishhacker and explained by Mr. Passmore and the Director.

Vice President Porter then asked the Director for his recommendation.

The Director stated that the staff of the Department of City Planning, until earlier in the morning, had anticipated that the hospital would acceed to the request for a two-week continuation and that the continuation would be granted. In view of that anticipation, and because the staff felt strongly that the information which would be provided by the San Francisco Comprehensive Health Planning Council might be central to its recommendation, the staff had deferred preparation of its recommendations. Therefore, the staff was not prepared to recommend approval of the project; however, and by the same token, the staff was not prepared to recommend disapproval of the hospital's proposals. The staff merely wished to have an opportunity to obtain additional information which might be pertinent before making its final determination on the matter. He remarked that the testimony which had been offered during the course of the public hearing had not provided any substantial information to convince the staff of the necessity or desirability of a facility of the size of the one being proposed; and he had hoped that the information which would be provided by the Comprehensive Health Planning Council would shed light on that issue. If, however, the Commission wished to take action on the master plan at the present time, he felt that it had three alternatives, as follows: 1) to disapprove the master plan; 2) to approve the entire master plan; or 3) to approve only that portion of the master plan that included Phase I of the proposed medical office building. He stated that it was his opinion that action in accordance with the third alternative would be most appropriate. With regard to the conditional use application, the Commission would again have three alternatives, those being: 1) to disapprove the application; 2) to approve the application in part to allow construction of only Phase I of the office project subject to appropriate conditions; or 3) to approve all three phases of the project subject to appropriate conditions.

Vice President Porter asked if it would be possible for the Commission to approve the entire master plan and then to approve the Conditional Use Application in part for construction of only Phase I of the proposed office project, with the remaining phases of the project to come before the Commission as conditional use applications in the future. The Director replied in the affirmative.

Commissioner Ritchie believed that construction of only Phase I of the office project, consisting of a large building to be located on the southwest corner of Fulton and Shrader Streets, would completely isolate the remaining houses in the block, bringing tremendous hardship to the owners of those properties.

The Director stated that he assumed that the Commission, if it wished to approve only Phase I of the project, would want to establish conditions aimed at the protection of the remaining residential buildings in the block. He remarked that the Commission had taken that approach when approving a medical office building for the Presbyterian Medical Center.

Commissioner Fleishhacker emphasized that many of the people who had spoken in opposition to the proposed project had stated that they would have no objection to expansion of the hospital on property which it already owns; and he pointed out that approval of only Phase I would, in effect, authorize construction only on properties which are already owned by the hospital. While he recognized that the individuals who had taken that position would not be entirely happy with the results, they had nevertheless, stated that they would be willing to accept that option. He asked if he was correct in his understanding that Phase I would involve only property which is now owned by the hospital and is vacant. The Director replied in the affirmative and cited the lot number of the properties involved in Phase I of the project for purposes of clarification.

Vice President Porter asked the hospital's architect if he felt that conditional use approval of only Phase I at the present time would leave him with a workable situation.

Mr. Stockwell replied that the plans which he had prepared did contemplate a three-phase development. However, he called attention to the fact that the office building constructed in Phase I would have to include ramps to the parking garage which would be constructed during a later phase. He stated that the hospital intended to defer construction of the second and third phases of the project until such time as experience has indicated that there is a demand for additional space. Approval of the entire long-range master plan by the Commission would give the hospital an indication of the Commission's intention regarding the remainder of the project; and the conditional use procedure would provide the Commission with the means of controlling that growth. He emphasized, however, that the hospital would find it difficult to proceed with construction of Phase I of the project unless the Commission were to approve the entire master plan.

Commissioner Fleishhacker asked how much floor space would be provided in Phase I of the project. Mr. Stockwell replied that Phase I of the development would provide approximately 96,000 gross square feet of floor area.

Commissioner Ritchie asked Mr. Stockwell if he felt that approval of only Phase I by the Commission could be regarded as good planning. Mr. Stockwell replied in the negative.

Commissioner Rueda asked if Phase I had been designed as a unit which could be operated independently of the remaining two phases. Mr. Stockwell replied in the affirmative.

Commissioner Ritchie inquired about the timing contemplated for the two additional phases. Mr. Matthew replied that the hospital expected to acquire the property needed for completion of those phases of the project in three to five years.

Commissioner Fleishhacker remarked that the master plan which was before the Commission also called for future construction of three additional nursing wings, or hospital buildings, south of the new hospital which is just being completed.

Mr. Passmore confirmed that the master plan contained buildings other than the medical office complex which might be constructed after a long period of time. The new construction indicated on the master plan included a 53,000 square foot extension of the hospital's ancillary facilities, reconstruction of the psychiatric facility to provide an increase from 50 to 100 beds, demolition of the existing south wing of the hospital and reconstruction of a comparable facility elsewhere on the site, and, finally, construction of three new nursing buildings on the remaining vacant land when the nursing building which is just being completed becomes obsolete.

Commissioner Fleishhacker remarked that the letter which the Commission had received from Dr. Solomon had stated that the new nursing wing which is just nearing completion may be obsolete within 15 or 20 years. Mr. Passmore confirmed that the building might become obsolete within that period of time.

Commissioner Ritchie stated that he personally felt that separation of the project into a three phase arrangement would create a hardship for everyone; and, therefore, he moved that the master plan, as submitted and revised by St. Mary's Hospital, be approved in its entirety. The motion was seconded by Commissioner Mellon.

Commissioner Fleishhacker observed that most of the people present in the audience did not share Commissioner Ritchie's feelings.

Commissioner Rueda stated that he did not feel that approval of the master plan, as presented to the Commission by the hospital, would be in the best interests of the City; and, therefore, he could not vote in support of the motion on the floor. He indicated, however, that he would have been willing to vote for approval of a master plan affecting only property which is presently owned by the hospital.

Commissioner Farrell stated that he regarded a "master plan" as a unit rather than something to be broken up and approved over a period of time. He remarked that he was familiar with the services which St. Mary's Hospital has provided for people in the Haight-Ashbury District over the years; and he indicated that he intended to vote in favor of the hospital's plan to modernize its facilities so that it could better serve the community.

When the question was called, the Commission voted 4 to 2 to adopt Resolution No. 7125 and to approve in its entirety the master plan which had been submitted and revised by St. Mary's Hospital. Commissioners Farrell, Mellon, Porter, and Ritchie voted "Aye"; Commissioners Fleishhacker and Rueda voted "No".

Vice President Porter indicated that the next action to be taken by the Commission would concern the conditional use application.

The Director recommended that the conditional use application be approved in part for only Phase I of the project consisting of Lots 29A, 36 and a portion of Lot 37 in Assessors Blocks 1191 and 1192, subject to the following conditions: 1) Final building plans, consistent with the building scale indicated on exhibit A and in the Environmental Impact Report for Phase I to be approved by the Department of City Planning; 2) That final plans should include substantial landscaping and building facades compatible with adjacent residential buildings; 3) That traffic access and final design of traffic aspects of the plans be approved by the Department of City Planning in consultation with the Traffic Engineering Bureau of the Department of Public Works and the Municipal Railroad; and 4) That the parking facility at Hayes and Stanyan Streets be designed in a manner which would not distract from the appearance from Golden Gate Park.

The Director recommended that the remainder of the conditional use application be disapproved by the Commission or that it be withdrawn by the applicant. In either event, new conditional use applications would have to be filed and approved by the Commission before those phases could be undertaken.

It was moved by Commissioner Fleishhacker and seconded by Commissioner Rueda that action be taken on the conditional use application in accordance with the Director's recommendation. When the question was called, Commissioners Fleishhacker and Rueda voted "Aye"; Commissioners Farrell, Mellon, Porter, and Ritchie voted "No". Therefore, the motion failed.

Commissioner Fleishhacker remarked that phases II and III of the proposed development involved properties which are not presently owned by the hospital; and he asked if the Commission could legally grant conditional use authorization to the hospital under such circumstances. Mr. Passmore replied in the affirmative, with one exception. Since the hospital had not obtained a certificate of necessity to use eminent domain to acquire the parcel of property on the southeast corner of Fulton and Stanyan Streets which is owned by Mr. O'Neill, the Commission could not include that property in its conditional use approval; and he recommended that that property be removed from the application by the applicant.

Mr. Matthew asked that the property owned by Mr. O'Neill be withdrawn from the subject application.

Commissioner Fleishhacker, noting that it was apparent that the Commission wished to approve the conditional use application, as filed and amended by the applicant, and to authorize construction of the entire project, asked if the Commission intended to do so without establishing any conditions whatsoever. He noted that conditions are usually established by the Commission when conditional use applications are approved.

The Director recommended that the Commission postpone final action on the matter for one week to give the staff of the Department of City Planning an opportunity to prepare appropriate conditions for consideration by the Commission at its next meeting.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Farrell and carried 4 to 2 that the conditional use application, as submitted and revised by the applicant, be approved in principle and that the staff be instructed to prepare a draft resolution of approval with appropriate conditions for consideration by the Commission at its meeting on January 10, 1974. Commissioners Farrell, Mellon, Porter, and Ritchie voted "Aye"; Commissioners Fleishhacker and Rueda voted "No".

The meeting was adjourned at 6:40 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 10, 1974.

The City Planning Commission met pursuant to notice on Thursday, January 10, 1974, at 1:30 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Daniel Sullivan, Planner IV (Zoning); Richard Gamble, Planner IV; Jay Fernandez, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner, and Larry Liebert represented the San Francisco Chronicle.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that the Fire, Safety, and Police Committee of the Board of Supervisors would be meeting later in the afternoon to consider the Transit Preferential Streets program; and he indicated that he intended to testify before that committee.

The Director, noting that the Commission, on September 6, had adopted a resolution specifying that a hearing was to be held within 5 months to consider the proposal for rezoning portions of Pacific Heights, indicated that that 5-month period will expire on February 6. Since the Board of Supervisors has not acted on proposed interim residential controls, it has been difficult to schedule neighborhood rezoning requests which are now pending; however, if the Board acts on the interim controls on January 21, dates for definite hearings can be set.

The Director distributed copies of a memorandum which he had prepared for the Board of Supervisors in response to questions which had been raised regarding the proposed interim residential zoning controls during the interim since the proposal was presented to the Board on December 26.

George A. Williams, Assistant Director (Plans & Programs), reported on a proposal, recently presented to an Advisory Committee on the Bay Conservation and Development Commission, for development of an Embarcadero Marina, consisting of a boatel, restaurants, a passenger terminal and hotel, a commercial amusement area, and a bird refuge, extending southward from Pier 9 to Pier 24. The Director indicated that other development proposals may be presented involving the same area; and he advised the Commission that the staff of the Department of City Planning

will prepare an outline of the steps which any developer would have to take in relation to the processes and limitations involving the Department of City Planning and the City Planning Commission.

R73.65 - REVOCABLE ENCROACHMENT PERMIT TO FENCE AND OCCUPY THE NORTHWEST HALF OF CHANNEL STREET BETWEEN 7TH AND CAROLINA STREETS FOR PARKING.

Richard Gamble, Planner IV, reported on this matter as follows:

"Golden Gate Disposal Company is building its offices and truck maintenance and parking facility on 7th Street between Berry and Channel Streets. The channel is filled southwest of 7th Street but was never paved. The 200-foot wide right-of-way has been used by Greyhound Bus Lines since they were granted a revocable permit for parking on the southerly half in 1964. Their maintenance shop is between Channel and Hooper Street.

"The Waste Water Management Master Plan calls for development of a pumping station next to the channel northeast of 7th and a sewage retention basin beneath Channel and 7th Streets. When the basin is constructed, the permits for parking will have to be revoked, at least temporarily. The basin structure will support street or parking use above. At present there is no great need for a street at this location, but such needs can change in the future. The policies for conservation of the Urban Design Plan favor granting revocable permits over vacation of unnecessary right-of-way.

"The use of City property for private purposes should bring some compensation to the City; and attitude supported by the Director of Property. The Board of Supervisors has determined that property owners using sub-sidewalk space for BART entrances will pay a rent based upon the fair market value at each location. Similar rents are anticipated for sub-sidewalk basement use. Before such rents are charged, however, the Real Estate Department will have to conduct surveys to determine fair market values.

"Similarly, it would not be possible to charge rent to Golden Gate Disposal Company without doing so to Greyhound, and other street users. Hence the need for a City-wide policy and survey for values. However, a permit may be granted with the condition that a rent will be charged when the City adopts the practice on a City-wide basis."

Allan B. Jacobs, Director of Planning, recommended that the proposed revocable encroachment permit be approved as in conformity with the Master Plan subject to future rental charge for private use of public streets. He further recommended that the Board of Supervisors initiate a policy of collecting rent for private use of public street areas and that the Board authorize whatever studies and surveys are needed to implement such a policy.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the Director be authorized to report that the fencing and utilization for parking of the northwesterly half of Channel Street between 7th and Carolina Street is in conformity with the Master Plan subject to future rental charge for private use of public streets. The Commission further recommended that the Board of Supervisors initiate a policy of collecting rent for private use of public street areas and that it authorize whatever studies and surveys are needed to implement such a policy.

CU73.45 - AREA BOUNDED GENERALLY BY FULTON, SHRADER, FELL AND STANYAN STREETS.

REQUEST FOR AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT FOR ST. MARY'S MEDICAL OFFICES AND HOSPITAL MASTER PLAN: IN AN R-4 DISTRICT.

(UNDER ADVISEMENT FROM MEETING ON JANUARY 3, 1974)

Robert Passmore, Planner V (Zoning), remarked that the Commission, during its meeting on January 3, had indicated its intention to approve the subject application and had requested the staff to prepare a draft resolution of approval with appropriate conditions for consideration during today's meeting. He distributed copies of a draft resolution which he had prepared and summarized the 12 conditions which it contained.

President Newman asked if the conditions which had been recommended by the staff would be acceptable to the applicant. Sherwood Stockwell, Architect for St. Mary's Hospital, replied in the affirmative.

It was moved by Commissioner Ritchie and seconded by Commissioner Porter that the draft resolution be adopted.

Mr. Fleishhacker noted that he had not voted to approve the proposed project in principle during the Commission's meeting on January 3; and, since he could not be in favor of the project even with the conditions which had been recommended by the staff, he intended to vote "no" on the motion to adopt the draft resolution.

When the question was called, the Commission voted 6 to 1 to adopt the draft resolution as City Planning Commission Resolution No. 7126 and to approve application CU73.45 subject to the conditions which had been recommended by the staff of the Department of City Planning. Commissioners Farrell, Mellon, Newman, Porter, Ritchie and Rueda voted "Aye"; Commissioner Fleishhacker voted "No".

CU73.62 - 1400 - 19TH AVENUE, SOUTHEAST CORNER OF JUDAH STREET REQUEST FOR AUTHORIZATION TO MODERNIZE AND EXPAND A NON-CONFORMING AUTOMOBILE SERVICE STATION AND TO EXTEND THE MAY 2, 1980 TERMINATION DATE TO DECEMBER 31, 1985; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has

approximately 100 feet of frontage on 19th Avenue and 71 feet of frontage on Judah Street for a total area of 6,944 square feet. He stated that the property is occupied by a non-conforming Union Oil automobile service station which has a May 2, 1980, expiration date. He stated that the applicant wished to modernize and expand the service station by the addition of restrooms and additional storage with dimensions of 8 feet by 12 feet. In addition, the applicant had requested extension of the May 2, 1980, termination date to December 31, 1985.

Norman Miller, real estate representative for the Union Oil Company of California, stated that the service station on the subject property has been in existence since 1938 and that a minor modernization project was carried out in 1956. The alternations now being proposed were intended to maintain operating officiancy and to improve the appearance of the facility. He indicated that non-conforming signs on the site would be replaced with conforming signs; and he advised the Commission that landscaping on the site would be revitalized. In conclusion, he stated that a new gasoline tank, having a vapor recovery system, would be installed on the property, also.

Commissioner Fleishhacker asked for an indication of the amount of investment being contemplated by the applicant and inquired whether the proposed investment could be amortized before the May 2, 1980 expiration date.

Mr. Miller estimated that the project would cost approximately 40,000 dollars; and he indicated that that cost could be amortized in 6 years. In reply to a further question raised by Commissioner Fleishhacker, Mr. Miller stated that the installation of the new gasoline tank would make it possible to reduce the number of deliveries to the station from 4 deliveries a week to only 1 or 1½ deliveries each month.

Commissioner Fleishhacker then asked if the vapor recovery system is being installed on the new tank voluntarily or because it is required by some other agency. Mr. Miller replied that all new tanks will be required to have vapor recovery system in the future.

Mr. Steele recommended that the application be disapproved. He remarked that the subject property is small and not suitable for expansion of the non-conforming service station; and he indicated that the need for continuance of the use beyond May 2, 1980 could not be substantiated at the present time. While the applicant had contended that the extension of the expiration date would be necessary to make the renovation of the station economically feasible, that position had just be refuted by Mr. Miller in reply to a question raised by Commissioner Fleishhacker. He pointed out that properties one block to the north at Irving Street are presently zoned commercially; and he emphasized that one of the objectives stated in the residential element of the Master Plan is that conversion of non-residential uses to residential uses should be encouraged. In conclusion, he stated that the Department of City Planning is about to begin a study of residential zoning standards which will include review and recommendations with regard to non-conforming uses. In conclusion, he stated that Judah Street is a transit-preferential street; and he noted that 19th Avenue is a major thoroughfare.

Mr. Miller confirmed that the extension of the termination date was not a major requirement. He stated that he had been advised by a member of the staff of the Department of City Planning that no one had yet requested removal of a termination date from a non-conforming service station; and it had been suggested that the only way to test the Commission's reaction to such a proposal would be to make a formal request for extension of the termination date. While he acknowledged that other properties in the area zoned for commerical use, he remarked that they are developed with rather substantial buildings; and, as a result, it would not be feasible for his company to acquire them. In conclusion, he stated that operation of the subject service station would continue in any case; and, under the circumstances, he hoped that the Commission would allow his firm to proceed with the proposed improvements.

President Newman asked if approval of the modernization project without extension of the termination date would be acceptable to the applicant. Mr. Miller replied in the affirmative.

Commissioner Fleishhacker, noting that the Commission, in granting a conditional use, must determine that there is a need for the use being proposed, asked if there were any data available to indicate whether the subject service station satisfies a neighborhood need or if it caters principally to 19th Avenue traffic. Mr. Miller replied that it was his belief that the station serves both the neighborhood and traffic on 19th Avenue; however, he conceded that a majority of the station's customers probably come from 19th Avenue.

Commissioner Fleishhacker expected that the Union Oil Company might come before the Commission in 1980 requesting an extension of the termination date for the existing facility; and, if so, one of the criteria which would be important to the Commission at that time would be whether the station serves a neighborhood need. Under the circumstances, he suggested that the station should start to keep some type of a record of the extent to which it fulfills a neighborhood need.

Commissioner Farrell asked how many Union Oil Stations are located on 19th Avenue between Taraval Street and Lincoln Way. Mr. Miller replied that the subject facility is the only Union Oil service station located on 19th Avenue.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda and carried unanimously that the Commission indicate its intention to approve the proposed expansion subject to conditions but to retain the 1980 termination date; and the staff was instructed to prepare a draft resolution of approval with appropriate conditions for consideration by the Commission on January 17, 1974.

CU73.63 - 899 NORTH POINT STREET, SOUTHEAST CORNER OF LARKIN STREET. REQUEST FOR AUTHORIZATION FOR A PARKING LOT FOR APPROXIMATELY 25 AUTOMOBILES TO BE OPERATED IN CONJUNCTION WITH AN EXISTING NON-CONFORMING GASOLINE SERVICE STATION: IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to described the subject property which is a corner parcel with a 62.5 frontage on Larkin Street and a 87.5 frontage on North-

point Street for a total area of 5468.75 square feet. The property is occupied by a non-conforming automobile service station with a March 10, 1992, expiration date. In addition, the property has also been used as a parking station in violation of the City Planning Code. A cease and desist order was issued on September 28, 1973; and, subsequently, the subject application had been filed by the applicant.

William J. Donlon, the applicant, stated that he had operated a parking lot on the subject site for over 40 years; and, in view of the fact that he had obtained a permit for the use from the Fire Commission 30 years ago, he had not been aware that the use was not legal. When he had been advised of the violation, he had filed the subject application, hoping that it would be approved so that he could continue operation of the parking lot.

Commissioner Rueda asked if plans were available to show how the applicant proposed to park 25 automobiles on such a small lot. The staff showed him the plans which had been submitted by the applicant.

Commissioner Porter asked if she were correct in her understanding that the applicant merely intended to continue his present use of the property and that no expansion of the parking facility was being proposed. Mr. Donlon replied in the affirmative.

President Newman asked if the applicant had parked automobiles on the street in the vicinity of the subject site. Mr. Donlon replied that automobiles owned by his employees have been parked on the street but not automobiles owned by customers.

Commissioner Ritchie asked if the nearby Ghiradelli Square Garage is often filled to capacity. Mr. Donlon replied in the affirmative. He also indicated that women seem to prefer to park on his lot rather than in that garage. In reply to further questions raised by Commissioner Ritchie, Mr. Donlon stated that his lot is open only on Saturday nights during the winter season and on Friday and Saturday nights during the summer tourist season.

Commissioner Fleishhacker remarked that the Commission had taken a field trip to the subject property and had noted that a number of cars were parked on the sidewalk; and he asked if those cars had been parked on the sidewalk by the applicant. Mr. Donlon replied in the negative. He stated that there is a grocery store across the street from his property which sells box lunches; and he remarked that people picking up the lunches often park on the sidewalk. He stated that he had promised the police that he would not allow people to park on his sidewalk.

Commissioner Fleishhacker then observed that the point where the boundary of the subject property meets the public sidewalk area was difficult to discern. Mr. Steele stated that automobiles parked on the property have overlapped the property line and have extended into the official sidewalk area.

President Newman remarked that almost half of the subject site is developed with a building; and he indicated that it was difficult for him to understand how 25 automobiles could be parked on the remainder of the lot. He asked if a portion of the existing building could be removed to provide a more flexible parking situtation.

Mr. Donlon replied that there are rarely as many as 25 automobiles on the lot.

Allan B. Jacobs, Director of Planning, stated that it would be impossible to park 25 automobiles on the property without encroaching into the public right-of-way.

Tom Curtin, Chairman of the Northpoint Neighborhood Association, read and submitted the following statement:

"With regard to the application by the operators of the Shell service station on the S.W. corner of Larkin and North Point streets, for a permit to park approximately 25 automobiles, we oppose the issuance of such a permit.

"For a long time there have been multiple violations of parking laws by these operators, such as, parking cars on the public sidewalk, (to the hindrance of pedestrians), parking by the fireplug, parking in the red zone, parking cars for a fee on Larkin street in spaces which should be available to public parking and not for private use.

"An unfair practice of these station operators is the usurping of public parking spaces in the neighborhood to the inconvenience of residents and visitors. They use public parking spaces, which should be available on an equal basis to everyone, to park their trucks and cars as well as their vehicles under repair and vehicles being parked for a fee. Spaces on Larkin street have thus been monopolized for many months and the parking space in front of 875 North Point street has been unavailable to public parking for a matter of years.

"We have enclosed some photographs which upon examination clearly show the violations that are regular practice of this station. Complaints to the police have been with minimal result.

"The application is questionable if you consider the size of the lot and the building and gasoline pumps thereon. Where are they going to park approximately 25 automobiles without using the sidewalks and public spaces?

"So, again we state, we are against the issuance of such a permit as we feel it will lead to a continuance of the parking problems of all other residents and visitors of this area.

"Without the parking permit the station operators could park their various vehicles in their own station area thereby releasing many spaces on the streets."

Commissioner Ritchie inquired about the membership of the Northpoint Neighborhood Association. Mr. Curtin replied that the organization has 18 members; and he indicated that the organization had been formed because properties in the area had been excluded from the boundaries of adjacent neighborhood groups.

President Newman asked Mr. Curtin if he objected to use of the subject property for any parking whatsoever or if he were merely opposed to the applicant's request for permission to park 25 automobiles on the property. Mr. Curtin replied that he would have objection to granting authorization to the applicant to store as many automobiles as the site can legally accommodate.

The Secretary called attention to several letters which had been received in support of the subject application from firms doing business in the area.

Commissioner Fleishhacker remarked that the Commission had granted authorization for an annex to the Ghiradelli Square Garage; and he asked if the annex facility is being fully utilized. Daniel Sullivan, Planner IV (Zoning), replied that the annex building is utilized fully at the height of the tourist season.

Mr. Curtin stated that the garage entered from North Point Street does a fairly good business; however, he advised the Commission that the garage entered from Larkin Street has never been filled to capacity.

The Director recommended that the application be disapproved. He remarked that the subject property is small and that the existing improvements occupy a substantial portion of the site; and he indicated that the parking lot has made substantial use of the public right-of-way, particularly along Larkin Street, where automobiles have intruded into the public street area as well as onto the sidewalk. He pointed out that other parking is provided in the immediate vicinity by existing garages; and he pointed out that the non-conforming gasoline service station with automobile repair facilities results in a considerable commerical activity on a residentially zoned property which abuts residential uses. However, if the Commission wished to approve the application, he felt that conditions should be established setting a maximum of 16 automobiles to be parked on the site, requiring the removal of curb cuts along the west property line adjacent to the service station building, requiring installation of a barrier along the Larkin Street frontage of the property to define the property line and to prevent automobiles from being parked in the sidewalk area, and requiring installation and maintenance of appropriate landscaping.

President Newman asked the applicant to respond to the Director's recommendation. Mr. Donlon stated that he could abide by the conditions which had been recommended by the Director; however, he still believed that it would be possible to accommodate more than 16 automobiles on the site.

The Director stated that it would be difficult to get as many as 16 automobiles on the site without encroaching into the public right-of-way; however, he had formulated a layout which he believed would accommodate that many automobiles.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Ritchie, and carried unanimously that the Commission indicate its intention to authorize a parking lot for 16 automobiles on the site subject to appropriate conditions; and it instructed the staff to prepare a draft resolution of approval with appropriate conditions for consideration by the Commission during its meeting on January 17, 1974.

CU73.64 - 1200 COLUMBUS AVENUE, NORTHEAST CORNER OF BAY STREET REQUEST FOR AUTHORIZATION FOR A PARKING LOT FOR APPROXIMATELY 30 AUTOMOBILES; IN A C-2 DISTRICT AND IN THE NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 2.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), indicated that a letter had been received from David Pansini, representative of the applicant, stating that he would be unable to attend the Commission's meeting and requesting that the hearing be postponed until a later date. Mr. Steele recommended that the hearing be postponed until the Commission's meeting on February 7, 1974.

It was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that hearing of this matter be postponed until the meeting of February 7, 1974.

CU73.65 - 507-9 LYON STREET, WEST LINE, 100 FEET NORTH OF GROVE STREET. REQUEST FOR AUTHORIZATION FOR A BOARD AND CARE HOME FOR 12 MENTALLY HANDICAPPED INDIVIDUALS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a 25-foot frontage on Lyon Street and a depth of 106.25 feet for a total area of 2,056.25 square feet. He stated that the property is presently used for a board and care facility for 12 mentally handicapped individuals; and the applicant had requested that the existing use be legalized.

Sadie L. Fortner, the applicant, stated that the facility had been in operation for six years, housing the same 12 patients. She stated that the facility had passed fire and health inspections; and she hoped that the conditional use application would be approved. In reply to a question raised by Commissioner Fleishhacker, she stated that some of her patients are young and that some of them are middle-aged.

Commissioner Farrell asked if the patients are confined to the building. Mrs. Fortner replied in the negative, indicating that four of the patients spend at least three days outside of the facility each week.

President Newman asked if residents of the facility had been referred to the applicant by the State of California. Mrs. Fortner replied that the patients had been referred to her by Sonoma State Hospital; and she indicated that they do not require constant care.

Mrs. Jimmie Lee Ruffin, 556 Lyon Street, stated that she will soon be retiring from the nursing profession; and she indicated that she hoped to operate a facility similar to the one presently under consideration. Therefore, she hoped that the application would be approved. She informed the Commission that no problems have developed during the six years that the facility has been in operation.

Mr. Steele stated that there is an established need for board and care home facilities for mentally handicapped and retarded patients in the City; and he remarked that the facility could be operated without altering the exterior appearance of the building. He did not believe that continuance of the occupancy for twelve persons would have any serious detrimental effect on the residential character of the neighborhood; and, as a result, he recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr.Steele would be acceptable to the applicant. Mrs. Fortner replied in the affirmative.

After further discussion, it was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7127 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU73.66 - 1772 VALLEJO STREET, NORTH LINE, 67.5 FEET EAST OF GOUGH STREET. REQUEST FOR MODIFICATION OF CONDITIONS IN RESOLUTION NO. 6659 TO PERMIT THE EXISTING BUILDING TO BE USED FOR PROFESSIONAL OFFICES OTHER THAN ATTORNEY'S OFFICES; IN AN R-4 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregularly shaped parcel with 106.17 feet of frontage on Vallejo Street and a total area of approximately 13,473 square feet. The property is zoned R-4; however, under a rezoning application which is presently pending, the property would be reclassified to R-2. The property is occupied by the Burr House, which has been officially designated as a Landmark. In 1970, the Commission approved use of the building for lawyers' offices; however, at the present time the building is empty. The applicant had requested that Condition No. 1 of City Planning Commission Resolution No. 6659 be modified to permit additional professional offices as defined in Section 205.2 (b) of the City Planning Code but not to include any medical or dental offices.

Allan B. Axelrod, attorney for the applicant, stated that his client was looking for tenants who would not generate a great deal of traffic flow into the area; and he hoped that the City Planning Commission would approve the subject application to permit the building to be used as offices for professional people other than attorneys. If additional parking should be needed, the off-street parking available on the site could be expanded to accommodate 18 automobiles by removing some old sheds from the property. He stated that he had reviewed the conditions established by the Commission in Resolution No. 6659 with his client; and his client had felt that he could conform to those conditions without any difficulty.

Commissioner Fleishhacker, noting that medical and dental offices were specifically excluded from the applicant's request, asked if there were other types of professional uses which might conceivably generate a considerable amount of traffic.

Mr. Steele replied that the professional categories referred to in Section 205.2 (b) of the City Planning Code are limited to dentistry, medicine, psychiatry, chiropractic, law, architecture or engineering; and, therefore, if the medical professions were to be excluded, the only offices which would be permitted in the building would be for lawyers, architects or engineers.

President Newman stated that it seemed to him that the applicant was requesting permission for greater leeway in choosing professional tenants than would be permitted by the City Planning Code. Mr. Axelrod confirmed that to be the case; however, he recognized that it would be necessary to live within the limitations set by the Code.

No one else was present in the audience to speak in favor of or in opposition to the subject application.

Mr. Steele felt that architects and engineers would not cause undue noise, activity or traffic. He remarked that the building is large and that it would be suitable for professional offices; and he noted that sufficient off-street parking could be provided to meet the parking needs which would be generated by the professional offices. Therefore, he recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Axelrod replied in the affirmative.

Commissioner Fleishhacker noted that Condition No. 3 of the draft resolution specified that operation of the offices should be primarily during normal daylight business hours; and he suggested that it might be less confusing to limit use of the building to specific hours, such as 7:30 a.m. to 6:00 p.m.

Commissioner Porter remarked that lawyers might work till 8:00 or 9:00 p.m.; and she felt that it would be unfortunate to establish specific hours of operation for the offices in the building.

After further discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7128 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

At 3:00 p.m., President Newman announced a five-minute recess. The Commission reconvened at 3:05 p.m. and proceeded with hearing of the remainder of the agenda.

CU73.67 - 2680 BRYANT STREET, WEST LINE, 104 FEET NORTH OF 25TH STREET. REQUEST FOR AUTHORIZATION FOR A BOARD AND-CARE HOME FOR ELEVEN MENTALLY HANDICAPPED INDIVIDUALS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a 25-foot frontage on Bryant Street and a depth of 100 feet for a total area of 2600 square feet. The property is presently used for a board and care facility for six

ambulatory mentally-handicapped adults; and the applicant had requested legalization of the existing use as a board and care home for eleven mentally-handicapped individuals.

Willie Mae Sanders, the applicant, stated that she had operated the existing facility since 1965; and she indicated that she was only requesting permission to continue the same use of the property.

President Newman pointed out that the applicant was also requesting permission to house 11 individuals in the building rather than the 6 which are being cared for at the present time. Mrs. Sanders acknowledged that she wished to increase the number of patients to 6 because of the increased cost of living.

Commissioner Rueda inquired about the number of rooms in the house. Mrs. Sanders replied that the house has 7 rooms.

Mr. Steele stated that the facility satisfies the State's licensing requirements for 11 patients.

The Secretary called attention to a letter which had been received from Helen Toller, corresponding secretary for the East Mission Improvement Association Incorporated, which read, in part, as follows:

> "Our organization is against this authorization.
>
> "We feel the building will not be adequate to accommodate these people.
>
> "Are there enough rooms? How many lavatories? How many bedrooms? How large a kitchen and dining area? How large a yard?"

Commissioner Fleishhacker asked if the building does have adequate lavatory, kitchen, dining, and yard facilities. Mr. Steele replied that he assumed that the facilities were adequate since State licensing had been obtained by the applicant; however, he indicated that he had not visited the interior of the building. He stated that there is a demonstrated need for well managed board and care facilities for mentally-handicapped and retarded patients; and he remarked that the proposed use could be accommodated in the existing structure without altering the exterior appearance of the building. He also believed that continuance of the use for 11 persons would have no serious detrimental effect on the residential character of the neighborhood. Therefore, he recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mrs. Sanders replied in the affirmative.

Commissioner Fleishhacker indicated that he assumed that the Commission's Conditional Use Authorization would be valid as long as the institution is licensed by the State; however, if the State license were to be lost, he wondered if the Conditional Use Authorization would be terminated, also. Mr. Steele replied that the State would not be able to place patients in the facility if the facility were to lose its certification from the State Department of Mental Hygiene.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7129 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU73.68 - 6408-24 THIRD STREET, NORTHEAST CORNER OF KEY AVENUE REQUEST FOR AUTHORIZATION FOR A MORTUARY ESTABLISHMENT; IN A C-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular corner parcel with 103 feet of frontage on Third Street and 151 feet of frontage on Key Avenue for a total area of 10,206 square feet. The property is presently vacant.

The applicant proposed to construct a one-story mortuary consisting of a 200 seat chapel, four slumber rooms, related preparation, administrative, and service facilities and five off-street parking spaces.

Terry Lofrano, one of the applicants, remarked that the South Bayshore community has only one mortuary at the present time; and he felt that the new facility being proposed would provide a service for the neighborhood. He stated that the proposed building had been designed to have residential overtones. He advised the Commission that there are two alternate ways to approach on-ramps to the freeway from the subject property; and, as a result, he felt that the site is well situated in terms of traffic considerations.

Commissioner Farrell, noting that the applicant had indicated that another mortuary already exists in the subject neighborhood, asked if he believed that there will be enough business for both establishments. Mr. Lofrano replied in the affirmative, indicating that the owners of the subject property had researched the financial feasibility of the project.

Rev. Bennick, a Methodist minister, felt that the proposed facility would benefit the community; and he hoped that the application would be approved.

The Secretary called attention to a large number of petitions which had been signed by members of St. Pauls of the Shipwreck Parish and parents of children in St. Pauls of the Shipwreck Parish School, indicating that they were opposed to the subject application for the following reasons:

"1. The proposed Mortuary site is directly across busy Third Street from the following much frequented institutions:

"a. St. Paul of the Shipwreck Parish School with 324 students.
"b. St. Paul of the Shipwreck Parish Church with 1800 members.
"c. St. Paul of the Shipwreck Parish auditorium and gymnasium which is constantly being used for athletic, recreational, social and cultural activities.

"Already, as of now traffic down Third Street as it comes down from the nearby Bayshore Freeway is too heavy for the safety of the school children. The future flow of traffic across the street from funeral processions with many cars in them would congest traffic to a dangerous point.

"2. As of now, it is already difficult for parents of school children, of children using the auditorium and gymnasium, and for people attending Church services and gatherings to find adequate parking space for their automobiles when coming to and going from school activities and services. This shortage of parking space is greatly increased during the baseball and football seasons during which it is forbidden to park at certain times on most of our neighborhood streets because of stadium traffic. To further lessen the opportunity to park by additional need for parking space by future Mortuary patrons would constitute a serious inconvenience and a hazard for the children, residents of the area and members of the Parish.

"3. We understand that the Bayview Mortuary has proposed to build a Mortuary on Meade and Third Street about two blocks west of the school and Church location. We have no objections to the Bayview Mortuary site as it would not create the traffic and parking problems that the other proposed Mortuary would."

Commissioner Mellon asked if the Pastor of St. Paul of the Shipwreck Parish was opposed to the subject application. A member of the audience indicated that the Pastor was not present but stated that he had organized the signing of the petitions.

President Newman asked if the members of the Parish would prefer that the subject property be developed as a parking lot. The spokesman for the Parish replied that residential development of the property would be preferable.

Allan B. Jacobs, Director of Planning, pointed out that the subject property is zoned for commercial use.

Lorenzo J. Lewis, owner of the subject property, stated that most of the people using the facilities at the proposed mortuary would park on Key Street rather than on Third Street; and, under the circumstances, he thought it was unlikely that the activities of the mortuary would interfere with the church or the school on the opposite side of Third Street. He believed that he could convince the members of the Parish that he was correct if he could be given an opportunity to discuss the matter with them.

Commissioner Rueda asked when services would be held at the proposed mortuary. Mr. Lewis replied that services would be held between 9:00 a.m. and 2:00 p.m.

In addition, visiting hours would be held in the evening. He stated that he and his associates had been very concerned about providing ample parking space for their clientele; and they were convinced that no parking problems would arise.

Commissioner Fleishhacker observed that the five off-street parking spaces being proposed by the applicant would probably not be sufficient to serve the needs of the facility's clientele; and, therefore, he gathered that the applicants intended to use the dead-end portion of Key Street adjacent to their property for customer parking. That being the case, he asked if that portion of Key Street is over-parked at the present time.

Mr. Lewis stated that he was not aware of any parking problems on the dead-end portion of Key Street at the present time. He estimated that the dead-end portion of the street could accommodate 25 diagonally parked automobiles; and, if the automobiles were to be parked parallel (sic), he expected that twice as many vehicles could be accommodated. He also advised the Commission that police escorts would be on hand to alleviate traffic congestion whenever services are held in the mortuary chapel.

Commissioner Fleishhacker asked how many people would be likely to be on the premises at any one time. Mr. Lewis replied that the proposed chapel would seat between 150 and 200 people. However, since services of that size are usually held in churches, he estimated that the average gathering at the mortuary would not exceed a range of 75 to 150 people.

Rev. Bennick informed the Commission that a black Baptist Church with a large membership is located in the vicinity of the subject site; and, unlike the members of St. Paul of the Shipwreck Parish, the members of the Baptist Church had no objection to the applicant's proposal.

Mrs. Mosey, a member of St. Paul of the Shipwreck Parish, stated that parents picking up their children from St. Paul of the Shipwreck Parish School have had difficulty finding a place to park. While Key Avenue may be wide, the stub-end portion is not sufficiently long to accommodate a very large number of automobiles. She stated that members of the community had not been consulted about the proposed use; and many of the people with whom

she had discussed the project had indicated their opposition to the application. Under the circumstances, she felt that it would be advisable for the applicant to work with the residents of the neighborhood to determine whether they really want a new mortuary rather than to impose the proposed facility on them. In conclusion, she advised the Commission that traffic and parking problems are particularly severe in the subject neighborhood whenever baseball or football games are held at Candlestick Park. Then, in reply to a question raised by Commissioner Rueda, she stated that she delivers her child at 8:30 in the morning and that she picks the child up at 2:45 p.m. or at an earlier hour.

Mrs Neeley, one of the applicants, stated that the backers of the new mortuary which had been proposed at Meade Avenue and 3rd Street had become interested in the subject property; however, by the time that they had become interested in the site, it had already been purchased by the corporation of which she is a member. She assured the Commission that the proposed facility would be operated with dignity and refinement at all times.

The architect for the applicant displayed photographs which he had taken of the area at mid-morning; and he pointed out that the photographs did not reflect any parking problem in the area.

The Director stated that he was surprised that such a large number of people had signed petitions in opposition to the subject application; and he advised the Commission that the staff at the Department of City Planning had advised the Bayview Hunters Point Model Neighborhood Commission of the application and had not received a response from that agency. He remarked that children attending the parish school are actually delivered and picked up at Key Avenue and Jennings Street; and he indicated that there appears to be no major traffic problem at that point. He stated that the subject neighborhood has a need for modern mortuary services; and he noted that the subject property is sufficiently isolated from residential uses so that the proposed use would not be detrimental to them. He stated that the design and layout of the proposed building is such that certain less desirable aspects of the mortuary business would be well screened from public view; and he believed that the traffic activity resulting from the use would create no conflicts which would affect traffic flow in the vicinity. Furthermore, the site itself is protected from Third Street traffic exiting from the freeway. Under the circumstances, he recommended that the application be approved subject to five specific conditions which were contained in a draft resolution of approval which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted by the Commission.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Lofrano replied in the affirmative.

After further discussion, it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7130 and that the application be approved subject to the conditions which had been recommended by the Director.

CU73.70 - 101, 109 and 115 SHIELDS STREET, SOUTHWEST CORNER OF BRIGHT STREET.
REQUEST FOR AUTHORIZATION FOR A NURSERY SCHOOL - CHILD CARE CENTER; IN AN R-1 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of three lots having frontages of 75 feet on both Shields and Bright Streets for a total area of 5625 square feet. He stated that the applicant proposed to use the two-story residence at 115 Shields Street as a Day Care Center for 20 children and as offices for Ingleside Community Children's Theatre. In addition, the applicant proposed to use the rear yards of the two properties immediately to the east for out-door play area. The residential buildings at 101 and 109 Shields Street would remain in residential use.

Evelyn Cox, Executive Director of the Day Care Center, noted that the parents of many of the children attending the Center were present in the audience; and she indicated that there was a great deal of support for the proposed facility. She stated that the building at 115 Shields Street is being modified to meet State standards; and she informed the Commission that the children at the center are provided with a wide range of services including vaccination shots, psychiatric services, legal services and free food provided by the Economic Opportunity Council. Therefore, she asked the Commission to regard the proposed facility as something more than just an ordinary child care center. She stated that there are adequate on-street parking spaces available in the area; and she indicated that there are very few times when more than one automobile is delivering or picking up children at the Day Care Center at any one time. Since most of the people residing in the neighborhood work during the day, she believed that the Center would have no disruptive effect on the life of the neighborhood.

Commissioner Fleishhacker asked if the entrance to the Child Care Center would be on Bright Street or Shields Street or if entrances would be available on both streets. Miss Cox replied that the entrance to the facility would be on Shields Street; however, since fire safety regulations require that two exits be available, a second exit would be provided on Bright Street.

President Newman asked for a show of hands from members of the audience who were present in support of the subject application. Most of the people in the audience responded.

Pat Davis, a working parent with one child attending the Child Care Center, stated that she had found the facility to be very beneficial; and she hoped that the subject application would be approved.

Mrs. Ferrell stated that a number of residents on the 100 block of Shields Street had signed a petition in opposition to the subject application based on traffic and parking considerations.

Paul Henderson, 139 Shields Street, pointed out that Shields Street is very narrow; and, if automobiles are parked on both sides of the street, it is difficult for an automobile, let alone a fire engine, to get through the street. He stated that he was opposed to the subject application.

Vermell Hines, 114 Shields Street, stated that she had been a resident of the neighborhood since 1955. She and her husband had purchased their property in an R-1 district; and they had not expected that commercial activities of the type being proposed would be permitted in the area. She believed that approval of the subject application would endanger the investment which she had made in residential property; and she felt that streets in the area are too narrow to accommodate the type of traffic which would be generated by the proposed facility. She, also, urged that the application be disapproved.

Linda Jackson stated that her daughter had attended the Child Care Center for four years; and, during that time, she had not been aware that the facility had created any traffic problems. She stated that children attending the center receive individualized training; and she was of the opinion that the type of facility proposed is really needed in the area. She stated that she lives on the corner of Shields and Bright Streets. In reply to a question raised by President Newman as to whether the facility had been in operation on the subject property for four years, Mrs. Jackson replied in the negative and indicated that her daughter had previously attended the center when it was housed on Vernon Street.

Commissioner Fleishhacker asked how long the center had been located on Shields Street.

Miss Cox stated that the center had been re-located from Vernon Street to Shields Street in June, 1973, because the previous landlord had raised the rent to $550 a month. She stated that the center is owned by the parents of children who are enrolled in the facility; and she indicated that it is not a profit-making organization.

Commissioner Rueda asked what age group is handled by the center. Miss Cox replied that the age of children attending the center ranges from 2½ years to 6 years.

President Newman, noting that the case report which had been prepared by the staff of the Department of City Planning stated that the Commission, during the past four years, had approved three child-care centers within

five blocks of the subject property, asked if there is really a need for the proposed facility.

Miss Cox replied that the other facilities charge up to $150 per month per child whereas the facility which she operates charges only $85 per month per child; and she indicated that parents who had enrolled their children in her facility could not afford to pay the fees charged by the other facilities.

Commissioner Ritchie remarked that the Commission had received a petition signed by residents of the OMI community which stated that signators of the petition had received empty envelopes from the City Planning Department; and he asked if someone could explain what had happened.

A member of the audience who had submitted the petition stated that many of the property owners on Shields Street had received empty envelopes which were supposed to have contained notices of the Commission's hearing on the subject conditional use application. She also remarked that the notices which had been received by some of the property owners had not made it clear that the rear yards at 101 and 109 Shields Street would be used as a play area for children attending the school.

Mr. Steele confirmed that notices had apparently not been included in a number of the envelopes which had been sent to owners of property within a 300-foot radius of the subject site.

President Newman read the following letter which had been received from Perker L. Meeks Jr., President of the OMI Community Association:

> "The OMI Community Association has been informed that a hearing is scheduled on the 10th day of January, 1974 at 3:00 P.M. involving the conditional use of properties at 101, 109, and 115 Shields Street for a Nursery School - Childcare Center.
>
> "We have been informed that the residents in the immediate vicinity of the above mentioned area did not receive proper notification of the proposed change in use of the property. Many of the residents received empty envelopes from the Planning Department.
>
> "By unanimous vote of the Board of Directors of the OMI Community Association, it was resolved that the City Planning Commission postpone its decision on the proposed change until the residents of the mentioned area have received proper notification of the proposed change and have had an open hearing on the proposal.
>
> "It should be emphasized that we are not opposing or supporting the proposed change. We are opposed to any action being taken until such time as the residents have been properly notified of the proposal.

"We respectfully request your cooperation in facilitating community involvement in proposed changes in the make up of the community that may affect their immediate environment."

Mr. Steele stated that it would be possible for the staff of the Department of City Planning to mail new notices to properties within a 300 foot radius of the subject property if the Commission were to postpone action on the application. However, he indicated that the notice had appeared in the official advertising newspaper and that it had been posted in the neighborhood; and, in view of the petitions which had been received and in view of the fact that residents of the neighborhood were present to speak in opposition to the application, he felt that it was apparent that people had, in fact, been made aware that the matter would be heard by the Commission. Nevertheless, if the Commission wished to postpone action on the matter, he recommended that the matter be taken under advisement until the Commission's meeting on February 7, 1974.

Miss Cox stated that it had come to her attention that some of the residents of the neighborhood had not been advised of the Commission's hearing. As a result, she had mailed letters to residents of the neighborhood advising them of the hearing and advising them to attend a meeting at which Mr. Sullivan of the Department of City Planning was to be present to explain the application; and, only five of the residents of the neighborhood had attended the meeting. She believed that residents of the neighborhood had been given adequate notice of the Commission's hearing; and, in view of the fact that funding for the Child Care Center from such sources as the Bay Area Crusade might be jeopardized if approval of the application were to be delayed, she hoped that the Commission would not approve the request for postponement.

Commissioner Fleishhacker, noting that Mr. Steele had previously recommended that action on the subject application might be postponed for one month if the Commission so desired, asked if it would be possible to re-schedule the matter for action in two weeks.

Miss Cox stated that she would appreciate it if the postponement could be limited to no more than one week.

Mr. Steele remarked that even though empty envelopes might have been mailed by the Department of City Planning, notice of the hearing was given to residents of the area by the applicant. There seemed to be a great deal of knowledge of the application in the neighborhood; and, in view of the fact that a number of residents of the block immediately affected were present in the meeting room, he felt that it should not be necessary for the staff to mail new notices to property owners within a three-hundred foot radius of the property. Therefore, a one-month postponement would not be necessary.

Toby Yarborough, representing the Ocean View, stated that he had provided assistance to the Child Care Center since it was located on Vernon Street; and he was confident that the people who had spoken in opposition to the application would withdraw their opposition if they would stop to think of the children involved and of the fact that the Child Care Center is teaching them to become productive citizens.

Commissioner Porter, noting that the staff of the Department of City Planning must have had an opportunity to gauge the effect of the Child Care Center on the subject neighborhood since it has been in existence for six months, stated that she would like to hear the staff's recommendation on the application at the present time.

Mr. Steele emphasized that the property is located in a quiet residential neighborhood; and he felt that the proposed use would generate noise and activity which would be detrimental to the area. He noted that the Commission, during the past four years, had authorized three child centers within five blocks of the subject property; and he remarked that the applicant had not demonstrated a public need for an additional child care center in the neighborhood. Therefore, he recommended that the application be disapproved. In conclusion, he noted that the Commission had approved a conditional use application for the same organization when it was located on Vernon Street.

A resident of 426 Bright Street asked if the proposed facility would involve the acquisition of his property. President Newman replied in the negative, indicating that the gentleman had received a notice of the Commission's hearing because he owns property within a 300-foot radius of the site under consideration.

James Davis, a working parent, stated that many small children reside in the subject neighborhood; and, therefore, he took issue with Mr. Steele's description of the area as "quiet residential neighborhood." He also remarked that he had never seen more than 3 or 4 cars at the Child Care Center at any one time. He advised the Commission that the Child Care Center is operated in a very professional manner; and he was sorry that residents of the neighborhood, who appeared to be the same type of people as himself, were opposed to the application.

Commissioner Mellon remarked that it appeared to him that the applicant was merely seeking authorization for a replacement of the Child Care Center previously authorized by the Commission on Vernon Street in the same general neighborhood.

Robert Easley, 126 Shields Street, advised the Commission that many small children live in the subject block; and he indicated that he had often found it difficult to get into his garage because of the children playing in the street. Under the circumstances, he felt that no additional children should be introduced into the area by a non-residential facility such as the proposed Child Care Center.

Commissioner Porter asked if the multiplicity of children in the street had occurred since the school began operation at its present location. Mr. Easley replied in the negative, indicating that the neighborhood had always experienced that problem. However, he remarked that an effort is being made to improve the situation.

Miss Cox informed the Commission that children from the Center do not play in the street.

Commissioner Rueda remarked that the subject facility seemed to be a well-run child-care center. Yet, at the same time, the applicant's proposal seemed to have major faults, not the least which was the fact that the center would make use of three separate parcels of property, any one of which might be sold at any time, thus putting the facility in the position of having to look for another site. Under the circumstances, he felt that an effort should be made to find better quarters for the facility; and, therefore, he moved that this matter be taken under advisement for one week so that steps could be taken toward that end.

The motion was seconded by Commissioner Fleishhacker. He remarked that members of the Commission had taken a field trip to the subject property; and he indicated that they had been troubled by the fact that the proposal involved three separate parcels of property whereas most child care centers considered by the Commission in the past had involved only single parcels of property which were usually large in size. He also noted that the Commission, in approving a conditional use application, must establish that the facility proposed would be a necessary and desirable addition to the neighborhood in which it would be located and that it would not have a disruptive effect on living conditions or traffic patterns in the neighborhood; and he remarked that he, personally, would find it difficult to make those determinations in the present case. The properties involved are quite small and are located close together; and, particularly in the case of rain, he felt that the children would have to be "cooped up" in fairly tight quarters. It also seemed to him that the subject neighborhood is not the type of neighborhood which lends itself well to the introduction of an institution of the sort being proposed; and he indicated that he regarded it as one of the best maintained residential neighborhoods in San Francisco. Despite those considerations, the actual facility under consideration seemed to be well-run; and, if the application should be disapproved by the Commission, he believed that that action would be taken not on the basis that the institution being proposed is bad but that it would not be an appropriate use in the subject neighborhood.

When the question was called, the Commission voted unanimously to take this matter under advisement until the meeting of January 17, 1974.

CU73.71 - 1001 CALIFORNIA STREET, SOUTHWEST CORNER OF MASON STREET. REQUEST FOR MODIFICATION OF STIPULATIONS ESTABLISHED BY RESOLUTION NO. 5255 TO ALLOW EXTERIOR ALTERATION OF THE EXISTING BUILDING BY ATTACHING A MURAL WHICH INCORPORATES A SIGN WITH AN AREA OF APPROXIMATELY 90 SQUARE FEET; IN AN R-5 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has 77.5 feet frontage on California Street and 60 feet

frontage on Mason Street for a total area of 4650 square feet. The property is presently developed with a 7-story reinforced concrete building which houses 12 apartments and Alexis' Restaurant. The restaurant is a non-conforming use which is not subject to expiration. The applicant had requested modification of stipulations contained in City Planning Commission Resolution No. 5255 to allow exterior alteration of the building by attaching a mural consisting of three panels with the central panel incorporating an identification of the restaurant. In conclusion, he displayed a colored sketch of the mural which had been submitted by the applicant.

Commissioner Porter, noting that the restaurant is presently identified by a bronze plaque on the front of the building, inquired about the size of that plaque. Mr. Steele replied that the plaque probably has an area of less than two square feet.

Commissioner Ritchie remarked that the proposed mural appeared to him to be a work of art rather than a sign. Mr. Steele replied that the two end panels might be considered to be works of art; however, since the central panel incorporates the name of Alexis' Restaurant, it would legally be defined as a "sign."

The applicant was not present in the meeting room.

President Newman read the following letter which had been received from C. Edward Head, President of the Nob Hill Association:

> "We wish to advise you that this Association is opposed to the proposed mural and sign on the Mason Street side of the building at 1001 California Street.
>
> "Our reasons are as follows:
>
> "1. We feel that use of signs on Nob Hill, particularly on the square itself, should be held at an absolute minimum.
>
> "2. The proposed mural and sign would cover a very large area of the building and would possibly over-power everything else in the area.
>
> "3. From the entrance to the Mark Hopkins Hotel, it would have a billboard effect.
>
> "4. The restaurant involved does not cater to 'walk-in' business and has operated successfully on Nob Hill for many years without benefit of large conspicuous outside advertising.
>
> "Your consideration would be appreciated."

Mr. Head, who was present in the audience, submitted photographs of the subject building to the Commission, indicating where the three panels of the proposed mural where to be placed.

Commissioner Fleishhacker, noting that the mural could no longer be considered to be a sign if the word "Alexis" were to be removed from the central panel, asked if Mr. Head would still object to the applicant's proposal even if that word were to be removed.

Mr. Head replied in the affirmative, indicating that he considered the entire mural to be a "sign" since it would be composed of bright colors which would not be compatible with the neighborhood.

Commissioner Rueda stated that he thought that the proposed mural would be more attractive than the present facade of the building which has three bays which apparently used to frame windows which have now been covered.

Mr. Head stated that he did not agree with Commissioner Rueda. He indicated that he had passed by the building for the last 20 years and had never even noticed the wall; however, if the mural were to be installed, it would be impossible not to notice the wall in the future.

Commissioner Fleishhacker remarked that Mr. Head would probably have had no opportunity to object to the mural if the central panel had not been considered to be a sign because of the inclusion of the word "Alexis."

Mr. Steele stated that the resolution which had been adopted by the Commission in May, 1960, had stipulated that no exterior alterations were to be made to the building with the exception of the construction of two additional entrances; and, as a result, he believed that the Commission would have jurisdiction over the murals whether they were to be regarded as an ornamental feature or as a sign.

Commissioner Porter stated that she clearly remembered that there had been a great deal of opposition to the original proposal to install Alexis' Restaurant in the subject building; and, in approving that application, the Commission had stipulated that the sign identifying the restaurant should be of a minimum size in order to preserve the residential character of the neighborhood. She asked if the Mark Hopkins Hotel had made any comments regarding the present application.

President Newman stated that the Mark Hopkins Hotel was represented by the Nob Hill Association.

Commissioner Ritchie noted that the mural could be considered to be a work of art rather than a sign if the word Alexis' were to be removed; and, under the circumstances, he wondered if the mural would have to be reviewed and approved by the Art Commission. Commissioner Porter replied in the negative, remarking that the subject building is not publicly-owned.

Commissioner Ritchie then remarked that it might be possible for the restaurant to restore the windows on the east wall of the building and to hang a sign with the restaurant's name behind the windows; and he asked if the Commission would have any jurisdiction over the signs under these circumstances. Mr. Steele replied that the Department of City Planning would have no jurisdiction over signs hung within the building.

Commissioner Fleishhacker remarked that installation of plate glass windows on the east wall would constitute a major alteration of the exterior of the building; and, under the circumstances, he believed that such a proposal would be subject to review by the Commission under the terms of the resolution adopted in 1960.

Commissioner Porter stated that the Commission, in approving the previous application, had expected that the restaurant would be used by residents of the apartment building as well as by outsiders; and it had intended that the restaurant should not be identified in any way other than by the bronze plaque which was approved at that time.

President Newman asked how long the windows on the east wall of the building had been closed. Mr. Steele replied that they had been closed for at least 14 years.

President Newman then asked if the restaurant is under new ownership. Mr. Steele replied in the affirmative.

President Newman then asked for Mr. Steele's recommendation on the application.

Mr. Steele remarked that the proposed mural would function, in part, as an identifying sign for the non-conforming restaurant; and he noted that the mural would be visually prominent when viewed from adjacent properties and streets. In his opinion, the mural would not be in keeping with the building upon which it would be located or with other nearby developments on Nob Hill; and it seemed to him that the bronze plaque on the California Street frontage of the building already provides appropriate identification for the restaurant. He also noted that the proposal had evoked substantial opposition from nearby residents and property owners. Under the circumstances, he recommended that the application be disapproved.

Commissioner Fleishhacker, indicating that he was surprised that the applicant was not present, asked if he had been advised of the Commission's hearing. Mr. Steele replied in the affirmative.

Commissioner Fleishhacker then stated that he felt that it should be made clear to the applicant that any proposal for exterior alteration of the building would be subject to review and approval by the City Planning Commission. Mr. Steele stated that the applicant had already been made aware of that fact.

After further discussion, it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7131 be adopted and that Application No. CU73.71 be disapproved.

CU73.72 - 4686 - 18th STREET, NORTH LINE, 60.3 FEET EAST OF MARKET STREET.
REQUEST FOR REMOVAL OF THE MAY 2, 1980 EXPIRATION DATE WHICH PRESENTLY APPLIES TO THE EXISTING NON-CONFORMING USE, A GROCERY STORE; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular through lot to Market Street with an area of approximately 1197 square feet. The property has a 25-foot frontage on 18th Street and an average depth of 47.8 feet. The property is occupied by a non-conforming grocery store; and the applicant had requested that the May 2, 1980, expiration date which applies to the non-conforming use be removed.

Salem Mufarreh, the applicant, submitted a petition which had been signed by approximately 200 people in support of his application. He stated that another grocery store does exist two blocks down the hill to the east at the corner of 18th and Douglass Streets; however, he remarked that it is subject to a 1980 termination date, also. At that time, the nearest grocery store would be on Castro Street, which is five blocks away. He stated that he had originally intended to request the Commission to reclassify the property for commercial use; however, since it appeared that it would be difficult to obtain approval of such an application, he had decided to submit a conditional use application requesting removal of the termination date instead. He stated that he would like to have his sign repainted; and he did not feel that would be fair for the Commission to say that the sign could not be replaced if it were to be taken down. He also indicated that he would object to having limitations placed on his hours of operation.

Beryl Trimble stated she had lived in her present home for 61 years; and she advised the Commission that a lot of older people, most of whom do not drive automobiles, live in the neighborhood. As a result, the subject store, which began operation just after World War I, serves as a convenience to residents of the neighborhood who would find it difficult to walk down the hill to Douglass Street or Castro Street to buy groceries.

Ann O'Connor stated that she had resided in the neighborhood for 29 years; and she indicated that one of her reasons for purchasing property in the area originally was the conveniences which the area offered, including the grocery store. She felt that it would be very inconvenient to have the grocery store go out of business.

No one else was present to speak in favor of or in opposition to the subject application.

Mr. Steele stated that the subject grocery store provides a needed and desirable service for residents of the immediate surrounding residential community; and he indicated that the operation of the store had not resulted in traffic congestion, undue noise, or other detrimental conditions. He also thought that it is compatible with surrounding residential development. Therefore, he recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing and commenting on the conditions, he recommended that the draft resolution be adopted.

Commissioner Porter, noting that Condition No. 2 of the draft resolution specified that the hours of operation of the grocery store should be limited from 6:00 a.m. to 10:00 p.m., stated that she did not recall that the Commission had previously limited the hours of operation of a grocery store; and she indicated that she would be opposed to such a restriction. If left unadjusted, she had no doubt that the hours of operation would automatically be adjusted to serve the convenience of the neighborhood.

Commissioner Ritchie indicated that he agreed with Commissioner Porter.

Commissioner Fleishhacker, noting that Condition No. 1 of the draft resolution grant authorization only for a "grocery store", asked if the applicant would be prohibited from selling such items as golf club or lawnmowers. Mr. Steele replied that the applicant would be permitted to sell such items as long as groceries continued to be the principal products sold in the market.

Commissioner Porter stated that she was convinced that there is a fundamental sense to zoning; and she did not believe that a hardware store or other types of commercial enterprise would be successful on the subject property.

President Newman asked Mr. Steele to comment on the applicant's statement regarding replacement of the sign on the building. Mr. Steele replied that the applicant would be permitted to replace the existing sign with a conforming sign.

Mr. Mufarreh, indicating that he was concerned about the possibility that he might not be permitted to sell electrical goods if only a "grocery store" were being authorized by the Commission, stated that he would prefer that the authorization be for a "retail" store.

Commissioner Fleishhacker asked the applicant if he would be satisfied if he were permitted to sell the same types of goods as are sold at the average Safeway market. Mr. Mufarreh replied in the affirmative. Mr. Steele stated that the wording of the draft resolution would permit the applicant to handle the same range of goods as are handled by a Safeway market.

After further discussion it was moved by Commissioner Ritchie and seconded by Commissioner Mellon that the second condition of the draft resolution, limiting the hours of operation of the grocery store, be deleted and that the amended draft resolution be adopted as City Planning Commission Resolution No. 7132.

The meeting was adjourned at 4:45 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held on Thursday, January 17, 1974.

The City Planning Commission met pursuant to notice on Thursday, January 17, 1974, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas G. Miller, and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), Robert Passmore, Planner V (Zoning); Daniel Sullivan, Planner IV; Marie Zeller, Planner III-Administrative; Carl Ness, Planner II; Nathaniel Taylor; Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the minutes of the meetings of November 15 and December 20, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, distributed copies of the 1973 Grand Jury's Report on the Department of City Planning.

The Director continued his report to the Commission, as follows:

"The Board of Supervisors and the Landmarks Preservation Advisory Board have been petitioned by the Citizens to Preserve the City of Paris to designate the City of Paris building as a landmark.

"I have received a letter from Mr. Dolan, Clerk of the Board, indicating that the Planning, Housing and Development Committee requests this department to render a report and recommendations on this designation together with implementing legislation if appropriate.

"I intend to write to Mr. Dolan telling him that this proposed designation will follow the regular procedures for establishing landmarks, that is advisory review and report with recommendations on the designation by the Landmarks Board to the City Planning Commission that would be followed by appropriate action by the City Planning Commission at an advertised public hearing. The Commission's action then would be forwarded to the Board of Supervisors for disposition.

"Mrs. Platt received the same letter as I did and at yesterday's Landmarks Board meeting the Board's staff was requested to begin its investigation work."

Commissioner Porter asked if the cornice had been removed from the City of Paris building under the direction of another City department. After the Director stated he believed so, Commissioner Porter remarked that the building will be less likely to qualify as a landmark following the removal of such ornamentation.

Commissioner Fleishhacker felt that the ordinance requiring the removal of cornices which may be a hazard in case of an earthquake should apply to landmark buildings also since the principal objective of that ordinance is safety.

At this point of the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

The Director reminded the Commission that the Board of Supervisors, meeting next Monday, will consider the Commission's recommendation for enactment on Interim Residential Zoning Controls.

The Director's next statement read as follows:

"Franklin Hospital has informed us that it is preparing conditional use application and accompanying environmental impact report for four major building additions to the Ralph K. Davies Medical Center. These additions are 1) an executive office floor on top of the present acute care hospital building, the roof of which would be used as a helistop (this helistop proposal replaces an earlier proposal for such a facility at ground level along 14th Street), 2) two additional medical office floors on top of the existing medical office building at Castro and Duboce Streets plus decking of the ground level existing parking area along Castro to provide approximately 200 additional parking spaces, 3) a new four to six floor medical office and other medical related facilities building at Noe and Duboce Streets, currently an open parking area (this building also includesthree levels of above grade parking

and two of these levels would extend southward to 14th Street), 4) a four floor center for development disabilities along 14th Street in an area currently used for surface parking, but approved earlier by the Commission for use as an extended care facility.

"Staff has encouraged the hospital to meet with residents of the surrounding neighborhood concerning the proposed plans and also to inform the San Francisco Comprehensive Health Planning Council of their proposal."

Commissioner Porter asked if the Commission would be governed by the recommendation of the Comprehensive Health Planning Council or if it would be free to make its own decision on the proposed expansion project.

The Director replied that the recommendation of the Council would be advisory in nature and that it would not be binding on the Commission.

Commissioner Fleishhacker believed that the Commission should take the position that it would not take action on any proposed medical facility without obtaining a report and a recommendation from the Comprehensive Health Planning Council, which is a quasi official body. That agency has expertise in the medical facility field; and, instead of continuing to seek the advice of that agency in isolated instances only as in the past, he felt that the Commission should consistently seek the advice of the Council when new medical facilities are being considered.

Commissioner Miller, a member of the Comprehensive Health Planning Council, indicated that he agreed with Commissioner Fleishhacker. He stated that the Council does not presently have a great deal of data relative to non-bed hospital facilities; however, the Council has instructed its staff to obtain such data and, when it is available, the Council will be the best qualified agency to advise the Commission on the need for new medical facilities which are being proposed.

Commissioner Ritchie inquired about the background of the Comprehensive Health Planning Council. Commissioner Miller replied that the Council is authorized by Federal and State Law. The members of the Council name their own replacements; however, the replacements must conform to certain categories indicated in the organizations' by-laws. One of the mandated functions of the Council is to review all applications for Hill-Burton Funds; and, in addition, the Council has responsibility for review of all medical facilities in San Francisco. The Council has a permanent staff consisting of four people.

Commissioner Ritchie stated that he was not aware that the Commission had ever passed a motion stating that other agencies such as the Bay Conservation and Development Commission or the Association of Bay Area Governments must be consulted whenever issues arise which may be of interest

to them; and he did not feel that the Comprehensive Health Planning Council should be approached in any different fashion.

President Newman observed that the Commission has always consulted other agencies whenever it has seemed appropriate to seek their advice. He then asked how long the Comprehensive Health Planning Council has been in existence. Commissioner Miller replied that the agency has been in existence for 7 or 8 years.

President Newman then asked if the Council had been consulted when new medical office buildings were proposed by Children's Hospital and the Pacific Medical Center. Commissioner Miller replied in the negative, indicating that the Council's general plan had not called for the review of medical office buildings until 1973.

The Director stated that the next item on which he intended to report to the Commission was related to the matter under discussion; and he felt it might be helpful if he were to proceed with his report as follows:

> "As you know, the Department is becoming increasingly concerned with conditional use applications from institutions to change, or expand their present physical plant. The St. Mary's case is a recent example, and other hospitals such as Franklin may be expected to submit applications in the near future. Often, the rather specific details of a conditional use application are given to the Commission for review at the same time as or before it has an opportunity to review changes in the institution's Master Plan. The reason for Master Plan review has been to give the Commission and the public an opportunity to consider the space and facility needs of the institution, and to provide a framework within which the conditional use application can be better evaluated.
>
> "Our experience with these institutional cases indicates that the Master Plan process and its relationship to the conditional use application should be clarified. One reason for this is to evaluate more closely the relationship between the particular institution and the other land uses surrounding it. In order to do this, I have asked the staff to develop guidelines for the preparation of institutional Master Plans. These proposed guidelines will be presented to you soon, and, with your endorsement, will be distributed to the institutions as a clarification of the Department's policy regarding institutional Master Plan requirement."

President Newman remarked that each time a new medical facility is proposed, the Commission is faced with a hospital and its supporters on one hand and with large numbers of angry neighbors on the other; and it seemed

to him that the advice of the Comprehensive Health Planning Council could give the Commission a basis for making its decision in such circumstances.

Commissioner Ritchie stated that he had felt capable of making a decision on St. Mary's recent application for a medical office building without the benefit of the Comprehensive Health Planning Council's advice.

Commissioner Fleishhacker stated that the Commission, in approving a conditional use application, must determine that the use proposed would be necessary and desirable; and he did not feel that the Commission had made such a finding before it acted on the St. Mary's application.

The Director suggested that the Commission might wish to defer further discussion of this matter for two or three weeks at which time he would be prepared to present the staff's proposed guidelines for the review of institutional master plans and conditional use applications. The Commission concurred with that suggestion.

ELECTION OF OFFICERS

Commissioner Ritchie moved that Commissioner Newman be re-elected to the office of President of the Commission and that Commissioner Porter be re-elected to the office of Vice President of the Commission. He believed that both Commissioners had handled their responsibilities tactfully, wisely, and with a great deal of skill; and, therefore, he felt that it would be appropriate for the Commission to retain them in their present offices. The motion was seconded by Commissioner Farrell. When the question was called, the Commission voted unanimously to re-elect Commissioner Newman to the office of President of the Commission and to re-elect Commissioner Porter to the office of Vice President of the Commission.

CONSIDERATION OF REDEVELOPMENT PLAN FOR LINCOLN ELEMENTARY SCHOOL SITE IN YERBA BUENA CENTER.

Allan B. Jacobs, Director of Planning, reported on this matter as follows:

"By Resolution No. 525-73 adopted July 23, 1973, the Board of Supervisors requested the City Planning Commission to select a redevelopment project area comprising Lot 12, Assessor's Block 3752, which is the site of the former Lincoln Elementary School, and to prepare a preliminary plan for redevelopment of said project area for housing persons of low-to-moderate income in cooperation with the San Francisco Redevelopment Agency. This request stems from a settlement agreement between Tenants and Owners in Opposition to Redevelopment (TOOR) and the Redevelopment Agency calling for the designation of the subject site, and three nearby sites within the Yerba Buena Redevelopment Project Area, for housing for low-and-moderate income mature

aduts, which when effectuated will result in dismissal of litigation interfering with the development of Yerba Buena Center. The Board of Supervisors by ordinance re-allocated San Francisco's hotel tax to facilitate the development of housing for low-to-moderate income mature adults on these four sites. Additionally, the Board approved amendments to the Redevelopment Plan for Yerba Buena Center so as to require development of the three TOOR sites within that project area for housing.

"In a letter to Mr. Tolan, Deputy for Development, dated April 4, 1973, in statements before the Board of Supervisors, and most recently in a memorandum to the City Planning Commission dated May 31, 1973, the Director of Planning has recommended that the subject site is inappropriate for housing. Major reasons cited are: 1) the site is not in an area designated for residential development in the Residential Element of the Comprehensive Plan, 2) the site and adjacent areas are zoned M-1, a zoning district which prohibits new residential development, 3) the site is subject to high levels of noise due to frontage on Harrison Street, a heavy traffic street, and proximity to the Fourth Street on ramp to the Freeway, a major exit for traffic from the Yerba Buena Center and other downtown commerical buildings, 4) the site is adjacent to land in or subject to industrial occupancies, 5) the area surrounding the site has few supporting community facilities and services required by residential uses, particularly elderly persons, and 6) the concentration of low-income housing in a relatively small geographic area may conflict with Master Plan guidelines on distribution of subsidized housing throughout the City and may well result in adverse segregation and isolation of a small segment of the residential population. (Within three blocks approximately 740 low-income adult or elderly dwelling units now exist or are under construction, and at least another approximately 380 units may be developed on the three proposed TOOR sites within the Yerba Buena Center Redevelopment Project).

"Little has occurred since the above recommendations to change these factors which are adverse to the development of the subject site for low-and-moderate income housing for mature adults. Concern about the probable impaction and current lack of services has been supported by professionals in the social and housing fields, particularly staff of the Public Housing Authority, which agency has also questioned the personal safety of elderly persons living in the proximity of a major sports arena and convention complex and in an area relatively isolated from other residents. The program of services and activities open to all persons aged 60 and over contemplated by the Salvation Army on its Silver Crest

Residence site now under construction adjacent to the north of the Lincoln Elementary School site appears to be nearing reality. If this program does become operative some of the concerns about the lack of community support facilities may be answered. However the potential impaction problems, the isolation of the area from residentially zoned areas, and the basically non-residentially compatible uses in the immediate vicinity of the subject site still make the use of the site for housing of any sort questionable. Housing for low-to-moderate income mature adults on the subject site appears particularly undesirable. Use of the site for housing low-and-moderate income persons would not appear to meet site standards exercised by the Federal Housing Administration in reviewing proposals for subsidized housing. The State Community Redevelopment Law requires a showing that the proposed redevelopment conforms to the City's master plan. The precise need for using the redevelopment process has not been definitely established.

"To review the suitability of the site for the occupancy requested by the Board of Supervisors, the Department prepared guidelines for the development of the site for housing for low-and-moderate income persons. Due to the lack of neighborhood facilities for children, and the type of housing proposed in the TOOR settlement, the guidelines were developed solely for housing for persons without children. These guidelines have been included in the form of a preliminary redevelopment plan (attached). The guidelines attempt to respond to the environmental and social problems inherent to the site described above. The guidelines would limit the height of development to the present height limit of 50 feet applicable to the site, and would limit the number of dwelling units to approximately 90. This number of units would result in a density equivalent to the midpoint between R-3.5 and R-4 zoning districts. The R-3.5 district was established in the Planning Code as appropriate for the housing of non-children households in 40 foot high dwellings. The guidelines give particular attention to shielding the inhabitants of the proposed housing from noise both inside any building and in adjacent open space. Usable open space would be required and lastly, the guidelines call for services necessary for the well being of residents on the site not now provided in the immediate neighborhood.

"Although the Department believes that a development in keeping with these guidelines would alleviate some of the problems originally stressed concerning housing on the subject site, major unresolved problems still would exist.

"These problems are: 1) housing for low-to-moderate income adults on this site will add to the high concentration of such housing built or contemplated in this compact area which is distinctly isolated from other residential areas of the City. This concentration, coupled with a lack of other types of residential occupancies, even with the best of programs, will not provide a stimulus for improved social standards; 2) although appropriate guidelines may result in mitigation of adverse non-residential land uses and traffic effects on the subject site itself, these adverse effects will continue unmitigated off the subject site. Personal safety in the surrounding area, particularly for elderly persons, is a major concern; 3) development of the site for housing is not in conformity with the Master Plan. Although the Master Plan could be modified after a duly advertised public hearing, in fact, the subject site and adjacent areas on Harrison Street and Fourth Street appear to be best suited for commercial development in keeping with the anticipated occupancies of the Yerba Buena Center.

"The creation of new housing for low-and-moderate income persons would be best accomplished in, or immediately adjacent to, areas that are zoned and developed residentially, and which have in the immediate area a variety of services needed by the residents."

Because of the problems cited in his report, he stated that he could not recommend that the subject property be designated as a redevelopment project area for housing. If the Commission shared the position which he had taken, the appropriate action for it to take would be to request him to write a letter to the Board of Supervisors advising that body that the site should not be designated. If, on the other hand, the Commission should feel that the project should be approved because of the TOOR agreement and because of other factors, two actions would be required: first, adoption of a resolution designating the project area and, secondly, adoption of a resolution approving a preliminary plan for the project. He stated that he had prepared drafts of both resolutions for consideration by the Commission. However, before taking action on the matter, he felt that the Commission should be familiar with the draft of the preliminary plan which had been prepared by the staff of the Department of City Planning.

Robert Passmore, Planner V (Zoning), summarized the draft of the preliminary plan which is available in the files of the Department of City Planning.

Commissioner Porter, noting that the proposed plan specified that services such as food preparation facilities, trained nursing and medical advice, trained recreation workers, trained social case workers, grocery and convenience retail shopping area, a pharmacy, and inexpensive and convenient transportation should be provided for residents of the housing project, asked who would pay for those services.

Mr. Passmore replied that the proposed plan did not mandate that the services be provided but merely stated that such services should be provided either as a service provided by the subject project or in cooperation with other housing projects in the area. For example, the Salvation Army, which is constructing a housing project to the north of the subject site, will provide a grocery store and a pharmacy and is working out a program for medical services and social work. That organization had also arranged to have food catered for residents of its housing project; and it was possible that the catering service could be extended to the project proposed for the Lincoln Elementary School site.

Commissioner Porter asked who would have responsibility for management of the public housing being proposed for the subject site. Mr. Passmore replied that the proposed dwellings would not be "public housing" but would be separately financed by City funds. He stated that the project would be managed by a group formed by TOOR.

Commissioner Fleishhacker inquired about the number of dwelling units which were being recommended for the subject site. Mr. Passmore replied that the staff of the Department of City Planning had recommended that the maximum permitted density be one dwelling unit for each 400 square feet of lot area which would allow a maximum of approximately 90 units on the site.

Commissioner Fleishhacker then asked if the agreement between TOOR and the City had established a requirement for construction of a particular number of dwelling units. Mr. Passmore replied in the negative.

John Dykstra, representing the Redevelopment Agency, confirmed that the agreement had not specified that a particular number of dwelling units were to be constructed but had merely stated that four sites, including the one presently under consideration, were to be designated for low- to moderate-income housing. With regard to the questions which had been raised by Commissioner Porter, he stated that the Redevelopment Agency felt that the services which had been recommended in the plan would be very desirable; and he believed that construction of additional dwelling units in the area would provide the extra business needed to make such services economically feasible.

Commissioner Fleishhacker asked how many dwelling units were likely to be developed in the Yerba Buena Center Redevelopment Project area. The Director replied that approximately 1120 dwelling units are to be constructed, not including those proposed on the Lincoln Elementary School site.

Mr. Dykstra remarked that the Director of Planning's negative reaction to the proposal to develop the Lincoln Elementary School site with housing had been well known to the Board of Supervisors; and he acknowledged that the Director had a right to be concerned about a number of issues. He indicated that the only difference of opinion between the Director and the Redevelopment Agency was that the Redevelopment Agency felt that many of the potential problems could be changed or ameliorated through design to achieve acceptable housing on the site. He also emphasized that the agreement which had been entered into by TOOR and the City made it essential to develop the site with housing.

Commissioner Porter stated that she shared the Director's concern about the proposed housing development; however, she felt that the Commission was "caught in the middle" and was bound to approve the redevelopment plan because of the terms of the agreement between the City and TOOR.

Commissioner Fleishhacker believed that the people who would have to live in the project were the ones who would be "caught in the middle". He then asked how many dwelling units had been contemplated by TOOR.

Peter Mendelsohn, representing TOOR, stated that his organization had hoped that between 400 and 450 dwelling units could be developed on the four sites mentioned in their agreement with the City. He also advised the Commission that his organization was very concerned about the staff's proposal to require one off-street parking space for each 5 dwelling units in the project; and he stated that it was their position that no off-street parking spaces whatsoever should be required. He pointed out that there are a number of public parking lots and garages in the area; and, if people living in the proposed housing project could afford to own automobiles, he felt that they could also be expected to be able to afford to park their automobiles in public garages. Therefore, instead of spending money for garage space in the project, he felt that the money could better be spent to enlarge the size of the dwelling units and to bring other amenities, such as a roof-top garden, to the project.

Commissioner Fleishhacker, noting that the overall goal of TOOR was to obtain a least 400 new dwelling units, asked how many units would have to be constructed on the Lincoln Elementary School site to meet that quota. Mr. Mendelsohn replied that he had hoped that 100 dwelling units could be constructed on the site; however, he recognized that it would be difficult to realize that many units on the site because of the 50-foot height limit to which the site is subject.

Lance Burris, Assistant Project Director for the Yerba Buena Center, informed the Commission that relocation of tenants remaining in the center portion of the project area would be contingent upon final approval of the housing project proposed for the subject site. Since the project would not be Federally-funded, the Redevelopment Agency would have more flexibility in terms of design; and he believed that, through design and coordination with the other housing sites in the Yerba Buena Center, a superior project could be achieved.

Commissioner Ritchie stated that it seemed to him that the subject site was an appropriate one for development with housing; and, therefore, he moved that the site be selected as a project area. The motion was seconded by Commissioner Miller.

Commissioner Fleishhacker stated that he would support the motion. However, he did not regard the subject property was the best posssible site for housing; and he believed that it was extremely important that the housing to be built should be carefully designed and that it should be kept at a low density. Therefore, if the Commission were to vote to select the project area, he hoped that it would also vote to adopt the plans with the guidelines which had been prepared by the staff of the Department of City Planning.

Commissioner Porter asked if a negative action on the proposal by the Commission would place the Board of Supervisors in a position of being unable to proceed with the project. The Director replied that it was possible that a negative action might have that effect.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7133 and to select a project area to be known as the Lincoln School Redevelopment Project Area.

Commissioner Fleishhacker asked if TOOR and the Redevelopment Agency were satisfied with the preliminary plan which had been prepared by the staff of the Department of City Planning for the Lincoln School Redevelopment Project Area.

Mr. Dykstra replied that the only matter of concern to him was the staff's requirement that one off-street parking space be provided for each 5 dwelling units. That requirement would necessitate provision of up to 18 off-street parking spaces on the site; and he questioned the need for that many parking spaces in a project of the sort being proposed. He stated that the remainder of the plan appeared to be satisfactory; and, in any case, the plan was only preliminary in nature, making it possible for any problems which might arise to be resolved when the final plan, which is to be prepared by the Redevelopment Agency, is brought before the City Planning Commission for approval.

Mr. Mendelsohn stated that he, also, found the plan to be satisfactory except for the off-street parking requirement.

Mr. Passmore stated that the Planning Code required one off-street parking space per dwelling unit. The lesser number proposed in the plan was consistent with the parking ratio allowed by zoning variances for public housing.

Commissioner Ritchie acknowledged that the elderly people who would be living in the project might not have automobiles of their own. However, professional people such as nurses, would be visiting the project; and, in addition, members of the staff might drive to work. Under the circumstances, he felt that it was important that some off-street parking should be provided

for the facility; and he indicated that the requirement for one off-street parking space for each 5 dwelling units, as recommended by the staff, seemed to him to be appropriate.

Commissioner Porter asked Mr. Dykstra to explain why he felt that the parking requirement recommended by the staff would be excessive and to indicate how much off-street parking he felt would be appropriate.

Mr. Dykstra replied that the parking issue would require further study on the part of the Department of City Planning, TOOR, and the Redevelopment Agency. He stated that off-street parking has been provided in the housing projects which have already been constructed in the Yerba Buena Center; and experience had demonstrated that those parking spaces are either used by "intruders" or else that they are not used at all. He felt that there was no question but what some off-street parking should be provided on the subject site; however, he believed that the 18 spaces being required by the staff of the Department of City Planning might be excessive. Under the circumstances, his preference would be to have the parking issue left open with no specific number of off-street parking spaces being indicated in the preliminary plan.

President Newman asked if the Commission would have an opportunity to reconsider the parking issue when the final redevelopment plan is brought before it for approval. Mr. Passmore replied in the affirmative.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie and carried unanimously that Resolution No. 7134 be adopted and that the preliminary plan for the Lincoln Elementary School Redevelopment Project Area, as proposed by the staff of the Department of City Planning, be formulated and submitted to the Redevelopment Agency.

At this point in the proceedings the Director absented himself from the meeting room for the remainder of the meeting.

CU73.62 - 1400 - 19th AVENUE, SOUTHEAST CORNER OF JUDAH STREET
REQUEST FOR AUTHORIZATION TO MODERNIZE AND EXPAND A NON-CONFORMING AUTOMOBILE SERVICE STATION AND TO EXTEND THE MAY 2, 1980 TERMINATION DATE TO DECEMBER 31, 1985; IN AN R-3 DISTRICT.
(UNDER ADVISEMENT FROM CITY PLANNING COMMISSION MEETING OF JANUARY 10, 1974).

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator) noted that the Commission, during its meeting on January 10, had indicated its intention to approve the proposed expansion subject to conditions but to retain the 1980 termination date; and it had instructed the staff to prepare a draft resolution of approval with appropriate conditions. He distributed copies of the draft resolution which he had prepared and summarized the four conditions which it contained. He emphasized that

Condition No. 2 of the draft resolution would require the installation of landscaping on the site; and he described the landscaping plan which had been prepared by the staff of the Department of City Planning.

President Newman asked if the applicant were present in the meeting room. Mr. Steele replied in the negative, noting that the Commission had previously indicated its intention to approve the application subject to appropriate conditions.

After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Farrell, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7135 and that the application be approved in part subject to the conditions which had been recommended by Mr. Steele.

CU73.63 - 899 NORTH POINT STREET, SOUTHEAST CORNER OF LARKIN STREET. REQUEST FOR AUTHORIZATION FOR A PARKING LOT FOR APPROXIMATELY 25 AUTOMOBILES TO BE OPERATED IN CONJUNCTION WITH AN EXISTING NON-CONFORMING GASOLINE SERVICE STATION: IN AN R-3 DISTRICT.
(UNDER ADVISEMENT FROM CITY PLANNING COMMISSION MEETING OF JANUARY 10, 1974).

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), remarked that the Commission, during its meeting on January 10, had indicated its intention to authorize a parking lot for 16 automobiles on the subject site subject to appropriate conditions; and it had requested the staff to prepare a draft resolution of approval with appropriate conditions. He distributed copies of the draft resolution which he had prepared and summarized the four conditions which it contained, emphasizing that the conditions would require removal of the curb cuts on the Larkin Street frontage of the property along the building and installation of a fence or barrier along the Larkin Street property line adjacent to the building. He also indicated that the conditions would require that landscaping be installed on the site; and he described the landscaping plan which had been prepared by the staff. He then recommended that the draft resolution be adopted.

President Newman asked if the applicant were present in the audience. Mr. Steele replied in the negative but indicated that the conditions which had been included in the draft resolution had been discussed at last week's meeting when the applicant was present.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7136 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU73.70 - 101, 109 and 115 SHIELDS STREET, SOUTHWEST CORNER OF BRIGHT STREET.
REQUEST FOR AUTHORIZATION FOR A NURSERY SCHOOL - CHILD CARE CENTER: IN AN R-1 DISTRICT.
(UNDER ADVISEMENT FROM CITY PLANNING COMMISSION MEETING OF JANUARY 10, 1974).

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), stated that the Commission had taken this matter under advisement from the meeting of January 10 with the request that the applicant use the additional time to see if more suitable quarters could be found for the nursery school. During the interim, the staff had had further contact with OMI and had been advised that that organization preferred to take no stand on the application because some of its members were in favor of the proposal while others objected to it. In addition, a letter had been received from John B. Laurant, President of the Community Children's Theatre, requesting further postponement to provide additional time for the applicants to undertake an extensive exploration of the possibilities for relocating the facility.

President Newman asked if a further postponement until the meeting of March 7 would be satisfactory to the applicants. Mr. Laurant, who was present in the audience, replied in the affirmative.

Commissioner Fleishhacker, noting that the nursery school is already in operation on the subject site, remarked that a further postponement granted by the Commission would allow the continued operation of an illegal use.

Mr. Steele confirmed that the existing facility is being operated in violation of the City Planning Code; however, he indicated that it has been his practice to refrain from enforcement action whenever applications are pending which, if approved, would legalize the use. He remarked, however, that it would not be proper for him to refrain from enforcement action for an unreasonable period of time; and, as a result, he felt that the Commission should reschedule the subject application for consideration on the earliest possible date, even if action should be taken at that time to grant a further postponement.

Mrs. Vermell Hines, 114 Shields Street, advised the Commission that visitors to the nursery school had purposely blocked driveways in the area and had directed abusive words at residents of the area during the past week. Mr. Laurant stated that he had spent a great deal of time during the past week at the facility; and he had noticed that almost no automobiles were parked on the street between 6:00 a.m. and 7:00 p.m. Therefore, he felt that it was unlikely that any driveways had been blocked. Furthermore, he was not aware that abusive language had been used; and he indicated that people affiliated with the nursery school tried to remain as anonymous as possible.

Herbert Yarlbrough confirmed the statement made by Mr. Laurant. He stated that he parks his own automobile on or across the driveway at 115 Shields Street; and he indicated that very few automobiles had been parked on the street when he had visited the facility earlier in the day. With regard to the issue of abusive language, he remarked that it would have been foolish for individuals affiliated with the nursery school to act in such a way while their application was pending before the Commission.

Commissioner Porter asked if children attending the nursery school use the right-of-way of Shields Street as a playground. Mr. Yarlbrough replied in the negative, indicating that the children play in the rear yard areas of the subject properties on nice days.

President Newman asked Mrs. Hines if the operation of the nursery school had changed during the past month. Mrs. Hines replied that the operation had changed only during the past week since it had become known to residents of the neighborhood that the use is illegal. She stated that she is at home during the day since she does not work; and she indicated that she had been spoken to abusively by volunteers who work with the nursery school.

Commissioner Fleishhacker felt that it might be appropriate to re-calendar this matter for consideration on a date earlier than March 7.

Mr. Steele recommended that the matter be re-calendared for consideration on February 7. At that time, if the applicants have given evidence that they are pursuing the quest for alternate quarters in good faith, the Commission might wish to grant a further postponement.

Commissioner Farrell felt that it might be best for the applicant if the Commission were to take action on the matter during the present meeting since they would then know definitely whether they would have to move or whether they would be allowed to remain in their present quarters.

President Newman noted that a number of residents of the neighborhood had spoken in opposition to the proposed use; and, as a result, he felt that it was possible that the application might be disapproved by the Commission. Once the application has been disapproved by the Commission, the Zoning Administrator would have to take enforcement action against the illegal use; and the nursery school would be out of business.

Commissioner Fleishhacker felt that some purpose might be served by postponing action on the application for another month to see if the applicants and residents of the neighborhood could work out their differences.

Commissioner Farrell observed that the two sides seemed to have grown further apart in the past week.

After further discussion it was moved by Commissioner Miller and seconded by Commissioner Fleishhacker that this matter be continued under advisement until the meeting of February 7.

Commissioner Ritchie cautioned the applicants that unkind or hostile and abusive treatment by anyone should be strictly avoided; and he suggested that they should caution their volunteers and others to be courteous and considerate at all times, both in attitude and language.

When the question was called the Commission voted unanimously to continue this matter under advisement until the meeting of February 7, 1974.

CURRENT MATTERS

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), remarked that the Commission had adopted Resolution No. 7037 on July 5, 1973, to authorize use of a vacant parcel property on the southeast corner of Hyde and Bush Streets as an employee parking lot for St. Francis Hospital. Since that time, the hospital had decided that it would be desirable to make the parking lot available for visitors for the Franciscan Treatment Room, a facility operated for employees of the City and County. Since it had understood that a parking lot was to be used by the staff of the hospital, the Commission, in adopting Resolution No. 7037 had specified that only one 8-inch by 12-inch sign could be displayed to identify the lot as property of the hospital. Now, in view of the fact that the parking lot would be used by people other than members of its staff, the hospital had requested permission to increase the size of the identifying sign; and it had submitted two alternate designs to the Department of City Planning for consideration. The reason why the matter had been brought before the Commission was for a determination as to whether the enlargement of the sign would be within the intent of the Commission when it adopted the resolution in July. In his opinion, the request of the hospital would seem to be generally within the scope of the intent expressed in the previously adopted resolution.

Commissioner Fleishhacker asked if the property at the southeast corner of Bush and Hyde Streets is owned by the hospital. After Mr. Steele had replied in the affirmative, Commissioner Fleishhacker observed that the property really should be on the City's tax rolls if it is being used for a commercial purpose.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter and carried unanimously that the enlarged sign be approved as being within the intent of Resolution No. 7037 which was adopted on July 5, 1973.

President Newman read the following draft resolution which had been prepared by the staff of the Department of City Planning.

"WHEREAS, The Recreation and Open Space element of the Comprehensive Plan, adopted by this Commission in May 1973, calls for the acquisition of additional citywide open space for public use; and

"WHEREAS, The Recreation and Open Space element identified five high-need neighborhoods, and recommended that those neighborhoods be given priority for recreation improvements; and

"WHEREAS, Recreation and Open Space Programs, endorsed by this Commission in July 1973, also calls for establishment of a San Francisco Open Space Acquisition and Development Fund for the purpose of the creation of new public parks and recreation facilities in accordance with the Recreation and Open Space element of the Master Plan; and

"WHEREAS, A broad-based citizen group has proposed a Charter amendment to establish a San Francisco Acquisition and Development Fund, based on a property tax override of 10¢ per $100 assessed value, to be used for acquisition and development of open space in San Francisco in accordance with the plan, and as specified in the Charter amendment; and

"WHEREAS, The proposed Charter amendment would directly implement recommendations contained in the Recreation and Open Space element and in Recreation and Open Space Programs;

"BE IT THEREFORE RESOLVED, That the City Planning Commission does officially endorse the proposed Charter amendment, and does consider it a desirable and expedient method of implementing recommendations contained in the Recreation and Open Space element of the Comprehensive Plan."

After discussion, it was moved by Commissioner Fleishhacker and seconded by Commissioner Porter that the draft resolution be adopted.

Commissioner Miller stated that he would abstain from voting on the motion since the actual language of the proposed Charter amendment might have the effect of establishing a real estate bureau under the Recreation and Park Commission which would be separate and distinct from the Department of Real Estate.

Commissioner Ritchie stated that he, also, would be concerned about the possibility of establishing a separate real estate bureau which would have to hire its own appraiser and other staff members; and he suggested that the Commission should defer endorsement of the proposed Charter amendment until that issue has been clarified.

Commissioner Farrell suggested that the Commission might wish to consult Wallace Wortman, Director of Property, before adopting the draft resolution.

After further discussion, Commissioner Fleishhacker withdrew his motion of approval and Commissioner Porter withdrew her second of the motion.

Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that further discussion of this matter be postponed until the Commission's meeting on January 24, 1974.

The meeting was adjourned at 4:30 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 24, 1974.

The City Planning Commission met pursuant to notice on Thursday, January 24, 1974, at 1:30 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; Lucian Blazej, City Planning Coordinator; John Phair, City Planning Coordinator; Ronald Jonash, City Planning Coordinator; James White, Planner IV; Selina Bendix, Environmental Review Officer; Marie Zeller, Planner III - Administrative; Nathaniel Taylor, Planner II; Glenda Skiffer, Planner II; Linda Ferbert, Planner II; Marcy Lifton, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Larry Liebert represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the meeting of December 6, and 13, 1973, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, introduced Selina Bendix, the Department of City Planning's new Environmental Review Officer.

The Director advised the Plan Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) of a meeting scheduled next Thursday afternoon, January 31, at 12:15 p.m.

At this point in the proceedings Commissioner Rueda arrived in the meeting room and assumed his seat at the Commission table.

The Director continued his report, as follows:

"About 10 months ago a group of citizens met to discuss methods of implementing the Recreation and Open Space Element of the Comprehensive Plan, particularly in regard to that part of the plan which recommends acquisition of additional open

space in San Francisco. A number of methods of financing open space acquisition were discussed at that time, including formation of a regional open space district, proposal bond issues, etc. It was finally decided that a tax override with the provisions included in the proposal now before you, on the property tax acquisition would be the most desirable method of establishing an ongoing acquisition fund.

"During the past few months, members of the ad hoc committee to establish this fund have been meeting with members of the Board of Supervisors, and members of the Recreation and Park and City Planning Commissions about the proposal. The proposal has received wide-spread support from members of the Board and City Commissions, and has been introduced at the Board by Supervisor Pelosi. It has been scheduled for a public hearing before the Legislative and Personnel Committee of the Board on February 7.

"The intent of the proposal is to develop a mechanism for implementing the Recreation and Open Space Element of the Comprehensive Plan. As you know, the Plan calls for acquisition of open space at locations throughout the City, and development of new parks on the Eastern Shoreline and in the high need neighborhoods. The Charter Amendment seeks to establish a fund which could be directed to these purposes with existing City agencies as staff. It is estimated that a 10¢ override per $100 assessed valuation will yield $2½ million annually.

"The Charter amendment specifies that the funds would be used on those property acquisitions determined by this Department to be in conformity with the Master Plan and implemented programs adopted by this Commission; it specifies in addition that for the first five years of the fund, 75% of monies received shall be spent on acquisition. The monies from the fund would be applicable to recreational development only of properties acquired through the fund. The amendment provides also for an annual joint meeting of the Recreation and Park Commission and City Planning Commission for the purpose of reporting on the implementation of the action programs and fund expenditures, as well as of hearing recommendations for future acquisition.

"The proposed Charter Amendment was presented to the Recreation and Park Commission last Thursday. That Commission did endorse the proposal with the exception of Section 3.552, paragraph 8. The concern of the Recreation Park Commission was similar to the point raised by you at your last meeting--that the Real Estate Department continue to be the operating agency to negotiate property acquisition, lease, etc. The

Recreation and Park Commission also questioned whether the position of Director of Open Space Acquisition would be necessary. It was pointed out that the Charter Amendment simply authorizes the appointment of such a Director but does not require it.

"Your staff feels that the proposed Charter amendment is an important and basically sound proposal. We would recommend that the proposal be amended to make clear that there would be no duplication of the function of the Director of Property and Department of Real Estate.

"There are a few other clarifying changes that the staff feels would be appropriate. Supervisor Pelosi, sponsor of the Charter amendment, has called a February 1 meeting of representatives of various interested departments to work out a proposal acceptable to all concerned. These points would be worked out at that time.

"A resolution endorsing this proposed Charter amendment in principle and authorizing staff to work with the Board of Supervisors in developing language acceptable to the Department has been prepared for you."

Wallace Wortman, Director of Property, stated that the Real Estate Department is equipped to acquire property for the Recreation and Park Department; and he felt that establishment of a real estate bureau within the Recreation and Park Department would result in a duplication of function.

Robert Kirkwood, Co-Chairman of the Executive Committee of San Franciscans for Open Space and Recreation, remarked that the most consistent criticism which had been received regarding the proposed Charter amendment related to the possibility that a separate real estate bureau might be established in the Recreation and Park Department. He emphasized, however, that the legislation had been carefully drafted to avoid any build-up of staff so that a maximum amount of money would be available for property acquisition.

Emmett O'Donnell, representing the Recreation and Park Department, stated that the proposed Charter amendment, with the changes which had been recommended by the staff of the Department of City Planning, would be acceptable.

Commissioner Fleishhacker, noting that the draft resolution indicated that the San Francisco Acquisition and Development Fund would be "based on a property tax override of 10¢ per $100.00 assessed value", stated that he had assumed that the additional assessment would be included in the property tax; and, if that were the case, he questioned whether it was appropriate to refer to the additional tax as a tax "ovveride".

Commissioner Ritchie recommended that the word "override" be deleted from the draft resolution. In addition, if the proposed Charter amendment were to be approved by the Commission in principle, he felt that the following language should be added to the "resolved" clause of the draft resolution: "provided also that the proposed Charter amendment be worded so that the acquisition of space will be handled by and through the City's Real Estate Department."

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker and carried unanimously that the draft resolution, which the changes which had been recommended by Commissioner Ritchie, be adopted as City Planning Commission Resolution No. 7137.

As an information item, the Director presented a plan which had been prepared by the staff of the Department of City Planning, at the request of the Waterfront Advisory Committee to the Bay Conservation and Development Commission (BCDC), to illustrate the development potential of the area along the waterfront bounded generally by the Bay Bridge and Second Street for residential purposes. Subsequently, he and James White, City Planning Coordinator, responded to questions raised by members of the Commission.

R73.71 - JURISDICTIONAL TRANSFER OF PROPERTY FROM THE REDEVELOPMENT AGENCY TO THE RECREATION AND PARK DEPARTMENT (WESTERN ADDITION MINI-PARKS).

Richard Gamble, Planner IV, reported on this matter as follows:

"A group of five mini-parks is proposed to be constructed by the San Francisco Redevelopment Agency and turned over to the Recreation and Park Department for operation. The southerly portion of A-2 is designated as a high priority area in the Recreation and Open Space Plan.

"In 1964 the Board of Supervisors passed a resolution urging SFRA to develop a system of mini-parks and walkways throughout the A-2 project. Where practical they were to be public parks, but privately owned play areas were also to be integrated into the system. Largely due to the City's inability to fund an expanded park system, SFRA has emphasized private play areas in A-2's new housing projects.

"The principal park and recreational facilities in the A-2 area are located just outside the project: Hamilton Playground and Raymond Kimball Playground at Geary Boulevard on the northwest, Alamo Square at the southwest and Jefferson Square-Hayward Playground in the east-central portion.

"Within A-2 the Buchanan Street Mall, from Grove to Eddy Street is the largest single recreation space. The new housing projects throughout the southeastern part of A-2 all have their own sitting and play area. It is the other areas, those with substantial rehabilitation, where such facilities are lacking, and there that the mini-parks are to be proposed.

"The five are located as follows:

"1. Sutter Street at Cottage Row, west of Webster: The mini-park occupies a 30 x 137.5-foot lot beside Cottage Row, a nine-foot walkway which extends to Bush Street and has six houses fronting on it. The walk will be repaved in brick and illuminated. In keeping with the private and intimate atmosphere of the Row, the park will be fenced, but with gates opening onto the Row. It will have a lawn area separating the children's play from adult sitting areas.

"2. Golden Gate and Steiner, northeast corner. This has a similar arrangement, but less grass area, and includes trees in the sidewalk area. The lot is 35 x 82 feet.

"3. O'Farrell Street at Biedeman Place, one-half block west of Scott Street, southwest corner. This is an existing mini-park, installed several years ago, which is to be rehabilitated and relandscaped. It features a large play sculpture, paved play area and a lawn. The site is 30 x 60 feet.

"4. Fillmore south of Turk Street. This is a 93.5 x 100-foot lot adjoining the Muni generating plant on the southeast corner. It features a large central grass area flanked by play and sitting areas. Across the rear is an elaborate stone veneer wall, built several years ago in a youth employment program, and in the front an extra wide sidewalk with double row of trees.

"5. Octavia Street, west side north of Bush. This might more accurately be described as a sidewalk plaza than as a mini-park. It is 172 feet long and 19 feet wide. It is intended to set off the six huge eucalyptus trees in front of the San Francisco Eye and Ear Hospital and Cathedral Hill Medical Center. It consists of a brick bordered sidewalk of varying width, crushed rock around the trees, 8 bollards, and memorial tablet embedded in the sidewalk. There are no benches or play equipment."

The Director stated that the Department of City Planning was favorably disposed toward preservation of the trees and the creation of a sidewalk plaza on Octavia Street in that such actions would further the objectives of the Urban Design Plan. He indicated, however, that the question of jurisdiction of the plaza was not affected by, and did not affect, the Master Plan. He recommended that he be authorized to report that the transfer of jurisdiction of the first four sites be approved as in conformity with the Master Plan and that the transfer of jurisdiction of the 19-foot wide sidewalk on the west side of Octavia Street south of Bush Street does not affect the Master Plan.

Emmet O'Donnell, representing the Recreation and Park Department, stated that he was familiar with the eucalyptus trees on Octavia Street; and he was convinced that they would be a never ending problem regardless of whose jurisdiction they are under because they have been topped at least twice and because the new growth is not as strong as the original growth. He also felt that it would be unwise to install a brick sidewalk around the trees because the existing concrete sidewalk, which is not very old, has already been lifted in several places by the roots of the trees. He believed that it would be unwise to preserve the trees and to require the City to maintain them.

Commissioner Porter inquired about the life expectancy of eucalyptus trees. Mr. O'Donnell replied that eucalyptus trees may live for hundreds of years. He also remarked that the trees on Octavia Street are not a suitable variety for street trees because they are dangerous.

Commissioner Farrell asked if the Recreation and Park Department would be willing to assume the cost which would be involved in maintaining the trees and keeping the sidewalk area clean.

Mr. O'Donnell replied that the sidewalk plaza would not be a true "mini-park"; and he did not feel that it should come under the jurisdiction of the Recreation and Park Department.

S. Myron Tatarian, Director of Public Works, stated that responsibility for maintenance of the trees would probably devolve upon the Department of Public Works if the sidewalk area is not placed under the jurisdiction of the Recreation and Park Department. He remarked that the trees were planted privately; and he felt that they should be maintained privately. He emphasized that experts had concurred that the trees are dangerous; and, as a result, it was his recommendation that the trees should be removed.

The Director emphasized that the question before the Commission was not whether the trees should be preserved but whether the proposed transfer of jurisdiction over the sidewalk area would be in conformity with the Master Plan; and his recommendation was that the proposed transfer of jurisdiction would not affect the Master Plan.

Brian Fewer, Supervisor of Tree Planting for the Department of Public Works, displayed litter which he had picked up from the sidewalk area beneath the eucalyptus trees earlier in the day and remarked that the City would face the threat of law suits unles the sidewalk is swept several times a day. He also remarked that he had talked with a tree surgeon who had worked on the trees 25 years ago and had noticed decay in the trunks of the trees at that time; and, in view of the fact that the decay had probably increased during the interim, he felt that there was a good chance that the trees might someday fall across the street, landing on people or automobiles.

Commissioner Fleishhacker suggested that the Commission should take action on the first four sites which had been reported on by Mr. Gamble before acting on the Octavia Street sidewalk area. Subsequently, it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the Director be authorized to report that the transfer of jurisdiction for mini-parks on Lot 12, Block 677 (cottage row), Lot 10, Block 754 (Golden Gate - Steiner), Lot 29, Block 111 (Biedeman and O'Farrell), and a portion of Municipal Railway property Block 756, to the Recreation and Park Department is in conformity with the Master Plan.

Wallace Wortman, Director of Property, stated that the Redevelopment Agency was recommending that the Board of Supervisors accept the Octavia Street sidewalk area as a mini-park; and, if the sidewalk area were to be accepted by the Board as a mini-park, it would have to be maintained by the Recreation and Park Department. If it is not declared a mini-park and transferred to the Recreation and Park Department, the Department of Public Works would continue to have responsibility for maintenance of the sidewalk because it is located in the official street right-of-way.

Al Williams, a citizen, stated that the eucalyptus trees on Octavia Street are healthy and beautiful; and he indicated that the trees are a source of great pride to the black community because they were planted by Mary Ellen Pleasant. He believed that other speakers had misrepresented the health of the trees; and he believed that sweeping up leaves should be regarded as a small price to pay for the gift of having such beautiful and historic trees.

A representative of the Redevelopment Agency confirmed that the trees do have historic value; and he advised the Commission that the trees of Public Works, in a letter signed in 1971, had agreed to maintain the trees. The question of jurisdiction had risen only because the proposal had been made to designate the sidewalk area has a mini-park; and the final decision on that matter would have to be made by the Board of Supervisors.

Commissioner Ritchie recalled that consideration had been given to the possibility of designating the trees as Landmarks. Commissioner Porter stated that the Landmarks Preservation Advisory Board had not been willing to recommend that they be designated as Landmarks.

President Newman asked for a show of hands from members of the audience who were present to support retention of the trees. Approximately 12 people responded.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the Director be authorized to report that the transfer of jurisdiction of the 19-foot wide sidewalk on the west side of Octavia Street south of Bush Street does not affect the Master Plan.

George A. Williams, Assistant Director - Plans and Programs, and Ronald Jonash, City Planning Coordinator, presented and summarized a report entitled "Residence: Strategy and Programs" and responded to questions which were raised by members of the Commission. The report is available in the files of the Department of City Planning.

After discussion the Commission decided to postpone its endorsement of the report pending further discussion to be scheduled during its meeting on January 31, 1974.

The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 31, 1974.

The City Planning Commission met pursuant to notice on Thursday, January 31, 1974, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Groat, Planner IV Urban Systems Analyst; Ronald Jonash, City Planning Coordinator; John Phair, City Planning Coordinator; Marie Zeller, Planner III Administrative; Wilbert Hardee, Planner II; Carl Ness, Planner II; Nathaniel Taylor, Planner III; and Lynn E. Pio, Secretary.

Maitland Zane represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Carol Kroot represented the San Francisco Progress.

1:00 p.m. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on February 7, 1974.

2:15 p.m. - 100 Larkin

APPROVAL OF MINUTES

It was moved by Commissioner Mellon, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meeting of November 16, 1973, be approved as submitted.

R63.67 - PERFORMING ARTS CENTER-PARKING FACILITY

President Newman announced that Arthur S. Becker, Director of the Parking Authority, had requested that consideration of this matter be postponed indefinitely. After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Ritchie, and carried unanimously that the postponement be granted.

CURRENT MATTERS

President Newman announced that Allan B. Jacobs, Director of Planning, was in Cleveland to attend the funeral of his mother.

Edward I. Murphy, Acting Director of Planning, read the following statement:

"A suit challenging the validity of the Environmental Impact Report for the San Francisco International Airport has been filed against the Board of Supervisors, the Airports Commission and the City Planning Commission.

"The Petition for Mandamus was filed in Superior Court by the San Francisco Ecology Center, Friends of the Earth, San Francisco Tomorrow and individual residents of San Francisco and San Mateo County, through their attorneys William Brinton and Ricardo Hecht. A notice of the filing of this suit was sent to the Commission, as required by law.

"In another pending suit, H. & L., Inc. (Louis Petri) vs. the City and the Director of Planning, challenging the height and bulk ordinance, the City Attorney has now filed an answer and a motion for summary judgment. The Plaintiffs are contending that an environmental impact report was required for that ordinance, and the answer denies that is so and furthermore states that for a number of reasons the court lacks jurisdiction in the case. It is expected that the motion for summary judgment will be sometime in March."

Mr. Murphy informed the Commission that Supervisor Kopp had requested the City Attorney to prepare legislation which would require that notices of City Planning Code changes designate street numbers, where possible, of the properties affected. The staff of the Department of City Planning is reviewing the legislation; and a public hearing will be held on the matter.

Peter Groat, Planner IV Urban System
report which had been submitted by Berkeley Planning Associates, the Department of City Planning's consultant on the Economic Growth Study Design project. During the course of his report, he indicated that the consultants had suggested 27 additional studies which might be undertaken, some of which could be carried out "in house". In conclusion, he stated that the Department of City Planning intended to develop a work program scaled to its abilities in order to provide answers to some of the questions related to economic growth issues.

Carl Ness, Planner II, presented a status report on automobile dismantling yards. The report, which is available in the files of the Department of City Planning, contain .. a summary which reads as follows:

"With the requirement of Conditional Use authorization and the guidelines for review of applications adopted by the City Planning Commission in 1969, the general appearance of automobile dismantling yards has improved and the impact of the yards on neighboring uses has been reduced. The development guidelines which have been used are sufficient to effect first class auto wrecking operations. Two modifications of these standards, however, have been proposed. They pertain to fencing and the requirement for landscaping.

"It has been noted that where wrecking yards remain in poor condition, it is a result of non-compliance with Planning Commission guidelines. Two additional enforcement procedures are available to the Department of City Planning to expedite abatement actions.

"The Department of City Planning will request the City Planning Commission to hold public hearings for the purpose of revocation of Conditional Use permits where specific dismantling yards are not in compliance with the conditions of the Conditional Use authorization. In addition, the Zoning Administrator, acting under Section 307 (f) of the City Planning Code, will seek cooperation and joint enforcement action from the Police Department where dismantling yards are operating in violation of the Police and City Planning Codes."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that the Commission, on September 6, 1973, had adopted Resolution No. 7066 declaring its intention to hold a public hearing on proposed reclassification of property in the area bounded by Union Street, Van Ness Avenue, Bush Street, and Steiner Street, as requested by the Pacific Heights Association; and it had directed the Zoning Administrator to set a time and place for the hearing, which time was to be not later than 5 months after the date of the resolution. However, the Interim Residential Zoning controls which had been recommended by the Commission to deal with some of the zoning problems which had led the Pacific Heights Association to request the re-zoning had not been adopted by the Board of Supervisors until January 28, 1974; and, as a result of that delay, the Pacific Heights re-zoning had not been scheduled for consideration during the 5 month period previously stipulated by the Commission. Since the Interim Controls had now been adopted, he felt that it would be appropriate to proceed with hearing of all pending reclassification requests; and,therefore, he recommended adoption of a draft resolution which would extend the 5 month period originally established in Resolution No. 7066 and which would set the date of the public hearing on the proposed reclassification of property in Pacific Heights on April 18, 1974. After discussion, it was moved by Commissioner Rueda and seconded by Commissioner Porter that the draft resolution be adopted.

Commissioner Farrell suggested that it might make more sense to delay the public hearing on the Pacific Heights reclassification application until the Comprehensive Residential Zoning Study has been completed. Mr. Steele replied that the filing of that application had established a "freeze" on all new development which would not comply with re-zoning being requested; and, in any case, all applications for re-zoning should be acted on in a reasonable period of time.

Commissioner Fleishhacker stated that he had understood that many of the concerns of the Pacific Heights Association would be satisfied by adoption of the Interim Residential Zoning Controls. Mr. Steele confirmed that the Pacific Heights Association may modify its reclassification request after the Interim Residential Zoning Controls have been signed into law by the mayor.

Commissioner Fleishhacker then stated that he hoped that the Commission would be advised of any changes which might be made in the application well in advance of the public hearing on April 18.

Ralph Coffman, representing the Pacific Heights Association, stated that representatives of his organization intended to meet with the staff of the Department of City Planning within the next two weeks; and he hoped that they would reach a decision with regard to possible modification of their application prior to April 18.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7138 extending the date for the public hearing on the Pacific Heights Association's application and scheduling that hearing on April 18, 1974.

George A. Williams, Assistant Director-Plans and Programs, presented and read the following memorandum entitled "Format, Substance, and Procedures to be Required for Institutional Master Plans."

I. Background

"It is an existing policy of the City Planning Commission to request master plans of educational and medical institutions. The purpose of the institutional master plan is to explain as fully as possible the reasons for any proposed development, and, in general, to provide a basis on which future proposed development can be reviewed by the City Planning Commission and the public. The content of the institutional master plan, however, has never been defined in writing. One purpose of this memorandum is to assist institutions by indicating the scope of coverage in a master plan appropriate for review by the Commission.

"Another purpose is to extend citywide a policy recently endorsed in an area plan for the Haight-Ashbury area concerning the impact of institutional expansion on the surrounding neighborhood. That policy stated that institutional master plans should take into account the needs of the adjacent community, "including, but not limited to, the need to maintain an adequate supply of low and moderate-income housing, the need to reduce traffic congestion and the demand for parking, and the need to provide medical and social services to the community insofar as possible."

"The institutional need for growth, in response to changing demands and changing technology, may conflict with the need to preserve the scale and character of residential neighborhoods. The objective of an early review of an institution's long- and short-range development plans is to seek ways to accommodate the needs of the institution while reducing that conflict as much

as possible. The following outline indicates the format and substance that would be desirable in an institutional master plan.

II. Format and Substance of Master Plan

"A. Introduction

"The introduction should contain a brief description of the institution, its history of growth, the services it provides, the population groups that benefit from its services, and any other general information that would help in understanding what the institution is and does. The introduction should then describe the present physical plant of the institution, showing the location of buildings, land uses, circulation patterns and parking in and around the institution.

"B. Long-Range Development

"The second section should describe the long-range development plans of the insitution. In a conceptual manner, the institution should attempt to project what it will be ten to twenty years hence, and what it will need in the way of space and buildings in order to achieve that projection. If certain present buildings will become obsolete at some time during the interim, they should be indicated, as well as the new buildings that will be needed to replace them.

"By necessity, this section will be based on a number of assumptions about factors and conditions beyond the institution's control. Changes in such things, for example, as population characteristics, lifestyles, enrollments, Federal funding levels, and the development of new techniques in the delivery of services all dictate, to some degree, the future of the institution. Any assumptions that are made for the purpose of dealing with these uncertainties should be clearly stated. It is acknowledged that this section of the master plan is the most susceptible to change in the years ahead, and its content, therefore, should not preclude changes in the plan in the future.

C. Short-Range Development

"This section should focus on any short-range development of the institution that will be necessary within the next five years. The types of buildings should be indicated, as well as the scope and area of any physical expansion contemplated. If expansion is proposed, the plan should explain in detail the reasons why the expansion is necessary.

"Any contemplated development should be described in general terms. It is not anticipated that specific structures will have been designed in detail. This section should contain sufficient textual and graphic material in schematic form to indicate the boundaries of the site area, ground coverage, building bulk, floor area by function, off-street parking, circulation patterns in and around the institution, areas for land acquisition, and anticipated changes in numbers of employees and users. If the plan calls for a staging of development, the timing should be indicated.

"In general, the information sought in this section could focus on physical development and its relationship to the immediate surroundings. The internal workings of the contemplated development need not be indicated, except insofar as they bear on the need for and justification of the development.

"D. Conformity to Neighborhood Plans and the Comprehensive Plan

"This section should indicate how the proposed development conforms to the neighborhood plans for the affected area, if any, and to the Comprehensive Plan of the City and County of San Francisco.

"E. Neighborhood Impact of Proposed Development

1. Impact

"This subsection should indicate the reasonably anticipated impacts of the proposed development on the surrounding neighborhood. Among the possible impacts that should be assessed are:

"a) the effect on existing housing units; size, number, rental value, condition;

"b) the relocation of housing occupants;

"c) the relocation of commerical and industrial tenants;

"d) the change in circulation patterns, traffic levels, transit demand and parking availability;

"e) the change in commercial activities; and

"f) the change in character and scale of development between the proposed development and the surrounding neighborhood.

"2. Alternatives

"This subsection should indicate how the needs of the institution, as expressed in the master plan, might be met in ways other than that which is planned which would avoid or lessen the adverse impact on the neighborhood. This subsection should include various location alternatives, configuration alternatives, and the alternative of taking no action. The approximate costs and benefits of each alternative should be indicated.

"Also, the institution should indicate on a map any areas where the development could be accommodated without necessitating physical expansion of the institution into residential areas.

"3. Mitigation Measures

"This subsection should address the impacts that were identified in subsection E(1) in terms of the mitigating actions the institution is considering to offset such impacts.

"III. Procedures

"The objective of this institutional master plan process is to provide an opportunity for the City Planning Commission the City Planning staff and the general public to review the institution's plans at an early stage before the institution invests substantial sums in building design.

"In some cases in the past, the institutional master plan review process has been conducted almost simultaneously with the hearing on a needed conditional use approval for an imminent development with the result that attention has been primarily focused on the conditional use approval rather than on both the long- and short-range development contemplated by the master plan.

"In order to correct this problem, the institutional master plan should be reviewed well in advance of filing a conditional use permit. As a general rule, the master plan should be filed and considered by the Commission at least six months before a conditional use application is filed, but the Department may grant exceptions to this rule if there are extenuating circumstances. Exceptions may also be made in the case of development proposals already contemplated in a master plan reviewed by the Commission prior to the issuance of this memorandum.

"Proposed developments not indicated in a master plan which has been reviewed by the Commission will require a revision of the master plan. These revisions should also be reviewed well before a conditional use application dependent upon them is filed.

"Notification of the City Planning Commission meeting to review the master plan or an amendment thereto should be given in the same manner as provided for hearings on conditional use applications.

"IV. Effect of Master Plan Review

"Master plan review does not constitute endorsement of the development proposals contained in the plan nor permission for any work not already granted conditional use authorization by the Commission. The purpose of the review is to raise concerns of the City Planning Commission, City Planning staff and the general public at an early stage when the institution may be in the best position to respond to them.

"Conditional use applications for authorization of specific developments will continue to be subject to review in the prescribed manner under the criteria set forth in Section 303 of the Planning Code.

"An environmental impact report may also be required by the State law for the institution's further development. In that event, the master plan should be written with a view toward inclusion of all or parts of it in the environmental impact report."

Commissioner Porter remarked that San Francisco has a number of highly developed Medical Institutions; and, before taking action in accordance with the recommendations of the staff of the Department of City Planning, she felt that the Commission should determine what effect such action might have on institutions which already exist. As a case in point, she stated that she had received a letter from the Administrator of Franklin Hospital asking whether that hospital's master plan, which had already been approved by the Commission, could be changed; and, before voting to establish new procedures for institional master plans, she wished to have an answer to that question. She also felt that it would be wise for the Commission to discuss the staff proposals with the administrators of other major medical institutions in the city before establishing the new procedures.

Commissioner Fleishhacker emphasized that master plan approvals and conditional use approvals are two different things; and, as indicated in the staff memorandum, "Master plan review does not constitute endorsement of the development proposals contained in the plan nor permission for any work not already granted conditional use authorization by the Commission".

Commissioner Mellon stated that hospital administrators have assumed that they would be able to obtain Conditional Use Authorization for projects indicated in approved master plans; and, to the extent that no opposition had been raised, he felt that they were justified in their expectations. He also noted that the memorandum which had been prepared by the staff contained the statement that "exceptions may also be made in the case of development proposals already contemplated in a master plan reviewed by the Commission prior to the issuance of this memorandum".

Commissioner Porter stated that hospital administrators have relied on master plan approval by other Commissions in the past; and she felt that it would be wrong for the present Commission to renege on promises made by previous Commissions.

After further discussion the Commission decided to take this matter under advisement for one week.

EE73.165 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED 35 UNIT APARTMENT BUILDING TO BE LOCATED ON PROPERTY AT 897 CALIFORNIA STREET, SOUTHEAST CORNER OF POWELL STREET (UNDER ADVISEMENT FROM MEETING OF JANUARY 3, 1974)

President Newman advised the Commission that a letter had been received from James A. Nassikas, President and Managing Director of the Stanford Court, requesting continuance of the scheduled hearing and further requesting that the Commission conduct a discretionary review of the building permit application for the proposed project. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the request for the continuance be denied.

Alec Bash, Planner III, presented and summarized the report.

The Commission then received comments on the report from the following members of the audience: Victor L. Walch, representing the Stanford Court; Ted Boone, George Faltico, and Rene Cardinaux, representing the Developers; and Edward Head, President of the Nob Hill Association.

At the conclusion of the public hearing, Robert Passmore, Planner V (Zoning), recommended that several changes be made in the report in response to concerns which had been raised by Mr. Walch.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7139 be adopted finding that the final Environmental Impact Report, as modified is adequate, accurate, and objective. The Commission also certified the completion of the report and found that the project, as proposed, would not have a significant effect on the environment.

A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

CONSIDERATION OF HOUSING PROGRAMS AND STRATEGY REPORT
(UNDER ADVISEMENT FROM MEETING OF JANUARY 24, 1974)

It was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that this matter be continued under advisement until the meeting of February 7, 1974.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 7, 1974.

The City Planning Commission met pursuant to notice on Thursday, February 7, 1974, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Peter Svirsky, Planner V (Zoning); Ronald Jonash, City Planning Coordinator; Daniel Sullivan Planner IV (Zoning); Linda Ferbert, Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; Carol Kroot represented the San Francisco Progress; and Sanna Craig represented the San Francisco Bay Guardian.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the meeting of January 3, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, indicated that the Commission, during its meeting on January 31, had received a request from the manager of the Stanford Court to conduct a discretionary review of plans for an apartment building proposed for property located on the southeast corner of California and Powell Streets; and, althou the Commission had taken action on the Environmental Impact Report for that project, it had not responded to the request for a discretionary review. He stated that he failed to see any improvements in the building which could be accomplished through discretionary review; and, as a result, he recommended that the request for discretionary review be denied. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the request for discretionary review of the proposed building be denied.

Peter Svirsky, Planner V (Zoning), read the following statement:

"At a recent meeting the staff reported to the Commission that the State Guidelines governing environmental review have been amended, and that as a consequence certain changes in the local ordinance would be required.

"We have reviewed the Guidelines changes quite thoroughly with the City Attorney, and are submitting jointly-prepared amendments to the Board of Supervisors at the request of a committee of the Board.

"Fortunately, although there are many wording changes in the Guidelines, there is little significant effect on our local procedures. Most of the changes in our ordinance merely make clarifications or conform the terminology.

"The Board of Supervisors has already made one unrelated amendment to the ordinance. Last Monday, the Board voted to require the inclusion in an EIR of the estimated energy requirements of the project, in terms of electricity and fossil fuels. This is not a major addition, and can be said to be within the intent of the State Guidelines.

"In the ordinance now being sent to the Board, the following are the significant changes pursuant to the State Guidelines:

"(1) A requirement that each Negative Declaration include reasons for its conclusion. This goes a little beyond the checklist we have been using, but will usually amount to no more than repeating the evaluation already made in summary form.

"(2) Elimination of the concept of 'adoption' of a completed EIR by the decision-making body, and substitution of the requirement that the body 'certify that it has reviewed and considered the information contained in the EIR.'

"(3) Provision for an optional addendum to the EIR by either the decision-making body or an appellate body considering the project, in which that body may indicate its further evaluation of the environmental factors, if any, and state the manner in which the body may have taken into account other public objectives or overriding considerations in relation to its action on the project. This last point is not strictly required by the State Guidelines, but it is strongly suggested there.

"The addendum to the EIR is also a substitute for another kind of amendment that some members of the Board of Supervisors have indicated they might want to see adopted: an appeal procedure that would allow appeal from the Commission's certification of completion of the EIR to the Board of Supervisors or Board of Permit Appeals, depending upon which would ultimately review the project itself. The staff has felt that such an appeal would be illogical and would lead to confusion and repetition, as well as delaying action each time on the project to allow the 10-day appeal period to run.

"The ordinance providing for an appeal came before the full Board last Monday and was continued for two weeks without debate. It is the staff's hope that the alternative now being sent to the Board will be the one to be adopted."

At this point in the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

CONSIDERATION OF HOUSING PROGRAMS AND STRATEGY REPORT.
(UNDER ADVISEMENT FROM MEETING OF JANUARY 31, 1974)

George A. Williams, Assistant Director - Plans and Programs, noted that this report had been presented and summarized on January 24; and he indicated that he and Ronald Jonash, City Planning Coordinator, were present to answer any question which the Commission might have concerning the report.

Allan B. Jacobs, Director of Planning recommended that a draft resolution containing the following resolve be adopted:

"RESOLVED, (1) That the City Planning Commission endorses the report entitled, 'Residence, Strategy and Programs---Recommendations for Implementing the Residence Element of the Comprehensive Plan of San Francisco,' dated December, 1973, with the understanding that the figures related to future Federal funding are tentative estimates and that priorities may have to be reconsidered if actual funding is substantially different, and (2) That the City Planning Commission authorizes the Director of Planning to take all reasonable steps to attain implementation of the strategy and programs described therein."

After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7140.

At 2:20 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:00 p.m. for hearing of the remainder of the agenda.

3:00 p.m. - Room 282, City Hall

ZM73.31 - 202, 204-208, 210, 214, 218, 222, 226, 230, 236-238, 240 AND 244 ROOSEVELT WAY.
R-4 TO AN R-2 DISTRICT.
(POSTPONED FROM HEARING OF DECEMBER 6, 1973).

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of a total of 12 lots with 300 feet of frontage on Roosevelt Way and a depth of 125 feet for an aggregate area of 37,500 square feet. He stated that nine of the lots are vacant, two are developed with one-family dwellings, and one is developed with a two-family dwelling. In conclusion, he stated that a hospital may be permitted as a conditional use in R-2 and less restrictive zoning districts.

President Newman called attention to a number of letters which had been received concerning the subject application.

Wesley Dawe, President of the Buena Vista Neighborhood Association, advised the Commission that his organization considered itself to be a co-sponsor of the application which had been made by Edward Proctor Maschal, owner of property at 259 Roosevelt Way; and he indicated that the members of his association were overwhelmingly in support of the proposal for re-zoning from R-4 to R-2 was that most of the properties in the neighborhood are presently developed with one- and two-family dwellings and they felt that development of the subject properties to R-4 standards would be inappropriate. He indicated that an application requesting the same re-zoning had previously been filed in 1969; but it had been disapproved. He stated that many of the properties within a 300-foot radius of the subject site remain under the same ownership as in 1965; and, as a result, and he felt that that coincidence testified to the stability of the neighborhood. He also remarked that the neighborhood is unique in terms of factors mentioned in the Urban Design Plan; and he felt that that uniqueness should be preserved. He informed the Commission that Archie Unruh, owner of one of the subject properties located at 222 Roosevelt Way, had written a letter in support of the requested re-zoning. The owners of the other lots, with the exception of St. Joseph's Hospital, had failed to keep their properties free of litter and had thus disregarded the best interests of the neighborhood. Members of the association had recently met with individuals who wished to develop four of the subject lots to R-4 standards; and, at the conclusion of that meeting, they were convinced that it would be difficult to obtain a design for the proposed building which would not modify the character of the neighborhood. He stated that a petition had been circulated in the neighborhood in October; and, as was the case in 1965, most of the people contacted had indicated their support of the application for rezoning of the properties. Representatives of his organization had also met with representatives from St. Joseph's Hospital on three occasions to discuss the application; and, while the hospital has no long-range development plan, the spokesman for the hospital had indicated that some facility which might be needed by the hospital in the future might require R-4 zoning. Thus, it had not been possible to work out a compromise with the hospital. As a result, the applicants were left with only three alternatives. The first alternative would be to drop the application; however, such action would do nothing to preserve the character of the neighborhood. The second alternative would be to modify the application to exclude property owned by the hospital; but that approach would seem to discriminate against the private property owners. The third alternative was to seek approval of the application as submitted; and it was that approach which was being taken. He emphasized that medical facilities may be permitted as a conditional use in an R-2 zoning district; and, if the hospital should eventually decide to sell or lease its property, R-2 zoning would provide protection for the neighborhood. Under the circumstances, he urged that the application be approved.

Commissioner Porter questioned whether St. Joseph's Hospital could, in fact, use R-2 property to satisfy its own expansion needs. Mr. Steele replied that hospitals may be permitted in R-2 districts as Conditional Uses.

Commissioner Farrell, noting that the applicant lives across the street from the subject properties, inquired about the zoning of properties on the opposite side of the street. Mr. Steele replied that properties on the opposite of Roosevelt Way are zoned R-2.

Bill Perse, resident of the area, stated that he favored the proposed reclassification of his property because he believed that it would have a good effect on the neighborhood.

Sue Hestor, president of the Eureka Valley Promotion Association, stated that she was concerned about the possibility that more intensive development on Roosevelt Way might increase traffic congestion on Castro and 17th Streets; and she believed that the additional traffic might create pressures for widening Market Street beyond the four traffic lanes to which the city is presently committed.

Leonard Berger, Attorney for Francis Gelarde, owner of four of the subject lots, displayed a model of a building which his client proposed to construct on his property. He emphasized that the property had been zoned R-4 for at least ten years. In addition, the area is surrounded by multiple-family dwellings. The St. Joseph's Hospital building is a structure of considerable scale; and the neighborhood has more open space than other parts of San Francisco. He stated that the apartment building which his client proposed to construct would provide dwelling units for people who cannot afford to buy their own homes; and he remarked that no objections had been raised to the R-4 zoning of the property until residents of the neighborhood had become aware of his clients plans to develop his property. The development being proposed would make maximum use of the zoning of the property; and he felt that the development would be in the best interests of the neighborhood and of the city as a whole. He stated that his client had paid taxes based on R-4 zoning for the past ten years; and, because the property is subject to a 40-foot height limit and to other restrictive controls, he felt that it would be unfair to change the zoning from R-4 to R-2.

James Malott, Architect for Mr. Gelarde, stated that they had met with the Buena Vista Neighborhood Association on April 28, 1973, to discuss the proposed development of Mr. Gelarde's property. At that time, no firm plans for the development had been prepared. Under R-4 zoning, 62 dwelling units would technically be permitted on the property; however, because of the 40-foot height limit and because of other factors, development of the site with that number of units would not be practical. They had advised neighborhood representatives that they felt that 40 units would be feasible. The neighborhood representatives had indicated that their prime concerns were 1) that off-street parking spaces be provided at a ratio of at least one parking space for each dwelling unit, 2) that the 40-foot height limit be respected, 3) that the site be heavily planted, 4) that the building contain a minimum number of dwelling units, and 5) that the building be designed to blend as much as possible with the neighborhood. Subsequently, the model which was presently on view in the Commission meeting room had been prepared; and he and his client had again met with residents of the neighborhood on July 30, 1973. The building depicted by the model would contain 32 dwelling units; and it would conform to the

other criteria previously mentioned by representatives of the neighborhood. The neighborhood representatives had replied that the proposal for 32 dwelling units was excessive; and, in spite of the fact that his client had proposed to provide 1.1 off-street parking spaces for each dwelling unit, the neighborhood representatives had felt that the building would still create a parking problem. Subsequently, they had filed an application requesting that the subject properties be reclassified from R-4 to R-2. Mr. Malott observed that the present R-4 zoning of the properties provides a transition from the R-4 properties to the northwest to the R-2 properties located to the east and southeast of the subject properties. He also believed that the building which his client proposed to construct would provide a transition from St. Joseph's Hospital to the smaller scale buildings on the opposite side of the street. With regard to the issue of parking, he stated that he had visited the neighborhood and had never counted fewer than 18 on-street parking spaces available within 200 feet of the subject properties. While traffic moves on Roosevelt Way at relatively high speeds, he felt that problems of access to and egress from the garage spaces in the proposed building would be minimized by the fact that only two garage doors would be provided. In conclusion, he noted that the new Interim Residential Zoning Controls had gone into effect since the model was prepared; and, as a result, the number of dwelling units which could be provided on the site would be further reduced.

Commissioner Fleishhacker asked how many units would be permitted on the property owned by Mr. Gelarde if that property were to be rezoned to R-2. Allan B. Jacobs, Director of Planning, replied that eight dwelling units would probably be permitted under those circumstances.

S. Frances Gumerlock, Administrator of St. Joseph's Hospital, advised the Commission that the hospital's School of Nursing is no longer in operation and that no specific plans have been made for future use of that building. Yet, in spite of the fact that the hospital has no definite plans for future expansion, he emphasized that hospitals today must also be medical centers. During the past ten years, the Board of Directors of St. Joseph's Hospital had worked with Thomas Hsieh to develop short- and long-range plans for the hospital, concentrating mainly on short-range plans for the facility. When the subject application had been scheduled for hearing before the Commission on November 1, 1973, the hospital had requested postponement of the hearing so that a meeting could be arranged with the Buena Vista Neighborhood Association; and, during the interim, three meetings had been held. The hospital was concerned that the proposed rezoning would affect its plans in the future and had wanted to find out why its property had been included in the application; but no satisfactory response to that question had been obtained from the neighborhood representatives. He stated that he had not previously seen the model which had been displayed by Mr. Malott; and, for that reason, he had formed no opinion about that proposed development. However, if the Commission were inclined to approve the reclassification of private properties on Roosevelt Way from R-4 to R-2, he urged that the zoning of the properties owned by St. Joseph's Hospital be allowed to remain unchanged.

Thomas Hsieh, Architect for St. Joseph's Hospital, advised the Commission that reclassification of property owned by the hospital from R-4 to R-2 would definitely affect the future growth of the hospital. He indicated that one of the elements of a total medical center is housing for doctors and nurses; and he remarked that St. Joseph's Hospital may wish to utilize the property which it owns on Roosevelt Way for housing in the future. If so, it would be essential for the property to be zoned R-4. He noted that the hospital must work closely with the Department of City Planning as expansion projects are being considered; and he assured residents of the neighborhood that the hospital would work closely with them, also. He recognized that there is some community concern about the growth of major institutions; but he did not feel that the concern was justified in the case of St. Joseph's Hospital, which is a very responsible organization. In conclusion, he urged the Commission not to rezone the property owned by the hospital.

Mr. Berger stated that his client owns four separate legal lots of record; and he felt that the building which his client proposed to construct would be more compatible with the neighborhood than four duplexes. He advised the Commission that his client would have no objection to a condition limiting development of his properties to a maximum of 25 dwelling units if the subject application were to be disapproved.

Charles Molinari, Attorney for St. Joseph's Hospital, stated that there has been a shortage of housing in San Francisco; and, therefore, if the hospital were to construct housing for its nurses and staff on Roosevelt Way, it would be fulfilling a community need.

The Director emphasized that the only matter before the Commission for action was the requested rezoning of the subject properties from R-4 to R-2; and he indicated that the model of a possible development which was on display was not relevant to the issue being considered. He stated that the majority of the properties along Roosevelt Way are developed with single-family and two-family dwellings, giving the street a small-scale and low density character of development. He remarked that substantial neighborhood support had been evidenced for the purpose of maintaining the present scale and density of the street; and he noted that a hospital is permitted by conditional use authorization in an R-2 district as well as in an R-4 district. For these reasons, he recommended that the application be approved.

President Newman asked if housing for the hospital would be permitted in an R-2 District. The Director replied that housing could probably be authorized as a conditional use if it were to be directly related to the hospital as an accessory use.

Mr. Steele remarked that the housing would probably front on Roosevelt Way; and, as a result, he felt that it would probably not be considered to be an accessory use.

Commissioner Porter pointed out that the Commission had recently recommended the enactment of Interim Residential Zoning Controls to protect residential neighborhoods until the Comprehensive Residential Zoning Study is completed; and, in taking that action, the Commission had hoped that the Interim Controls would satisfy

neighborhood concerns and discourage neighborhood requests for rezoning of properties from R-4 to R-2. Under the circumstances, she felt that the Commission should be aware of the effect which the new Interim Zoning Controls would have on the subject properties even if they were to retain their R-4 zoning.

Mr. Berger stated that his client could have constructed 32 dwelling units on his lots before the Interim Controls went into effect. With the new controls, it would be feasible to construct only 25 dwelling units on the property.

Commissioner Ritchie stated that the Commission had adopted the Interim Residential Zoning Controls to avoid the alternative of being faced with a continuing series of applications, such as the one presently under consideration, requesting piecemeal rezoning. Furthermore, he felt that the development depicted in the model on display before the Commission would be more harmonious with existing development in the area than four duplexes. For those reasons, he felt that the R-4 zoning of the property should be retained and that the application requesting reclassification of the properties to R-2 should be disapproved.

After further discussion it was moved by Commissioner Rueda and seconded by Commissioner Ritchie that the application be disapproved. Commissioner Rueda also suggested that the Commission should adopt a policy of holding a Discretionary Review of plans for any project proposed for the properties in the future.

Commissioner Fleishhacker remarked that the subject application had been filed before the Interim Residential Zoning Controls had been enacted; and, in any case, he did not feel that the Commission could prevent neighborhood organizations from filing applications for "down zoning." Because all of the other properties fronting on Roosevelt Way in the immediate vicinity are zoned R-2, he felt that the rezoning presently being requested would be more appropriate than some other rezonings which had recently been approved by the Commission; and it was not clear to him why the properties had been zoned R-4 in the first place.

The Director stated that the point which had been made by Commissioner Porter was well taken; and he indicated that he would not in any way encourage neighborhood organizations to file applications for rezoning while the Citywide Comprehensive Zoning Study is underway. However, he remarked that the subject application had been filed before the Interim Residential Zoning Controls had been recommended or enacted; and, since existing development in the area is clearly R-2 in nature, it had seemed to the staff that the proposed rezoning should be approved.

Commissioner Fleishhacker stated that there are no R-4 or R-3 buildings in the area at the present time but only single- and two-family dwellings and vacant lots. The application which was presently being considered involved hospital property and non-hospital property; and, with regard to the property owned by the hospital, he indicated that he would like to receive firmer assurances that the proposed rezoning would not affect the hospital's ability to expand in the future. He pointed out that the Commission, in taking action on the application, could exclude the property owned by the hospital; and, as an alternative, he felt that it might be possible for the Commission to rezone the hospital's property to R-3 rather than R-2.

The Director stated that the Commission could not rezone the hospital property to R-3 since that option had not been mentioned in the application.

Commissioner Fleishhacker then observed that the spokesman for the hospital had stated that the hospital would not build anything which would not harmonize with the neighborhood; however, if the hospital property should be exempted from reclassification and if it should be sold by the hospital at a later date, the buyer could build to R-4 standards. Under the circumstances, he wondered if the hospital could make any binding commitment that it would not sell the property.

Mr. Gumerlock stated that the Board of Directors of the hospital had never discussed the possibility of selling or leasing hospital property. However, they were concerned about the proposed rezoning because there was a possibility that they might wish to construct housing for staff and students on the Roosevelt Way property in the future; and, they had understood that separate dining facilities for that housing would not be permitted in an R-2 district.

Commissioner Fleishhacker stated that he felt that the R-4 zoning of the subject properties is highly incompatible with actual development in the area; and, as a result, he intended to vote against the motion to disapprove the application.

Commissioner Ritchie asked for clarification of the exact location of the lots owned by the hospital. Mr. Steele referred to a map and indicated that lots 15, 16, 17, and 18, the easternmost lots included in the subject application, and lot 22, were the ones which are owned by the hospital. Mr. Gumerlock stated that the hospita was not concerned about the zoning of lot 22 since that property does not lie contiguous to the other four lots owned by the hospital on Roosevelt Way.

President Newman stated that the Commission had received 102 letters and signatures in support of the application and only one letter in opposition to the requeste rezoning.

Commissioner Porter agreed with Commissioner Fleishhacker's observation that R-2 zoning would be more compatible with existing development in the area; however, she did not believe that the property which St. Joseph's Hospital has owned for many years should be rezoned to R-2. She asked what types of residential development would be permitted on the hospital property under the Interim Residential Zoning Controls if that property were to be reclassified to R-3. Mr. Steele replied that the four lots owned by the hospital could be developed with 16 dwelling units if they were to be reclassified to R-3. The same number of dwelling units could be constructed on the lots owned by Mr. Gelarde.

President Newman stated that he, also, was concerned that rezoning of the properties owned by the hospital to R-2 might inhibit the future expansion plans of the hospital. However, since the owners of the other parcels of property had not made a similar argument, he questioned whether it would be wise for the Commission to disapprove the entire application, leaving all of the property zoned R-4.

Commissioner Mellon stated that he was prepared to vote for disapproval of the application and to rely on the Interim Residential Zoning Controls to determine how the subject properties can be used. He emphasized that the staff and Commission had spent a great deal of time formulating the Interim Residential Zoning Controls for the specific purpose of avoiding the type of "spot zoning" proposed by the subject application.

When the question was called, the Commission voted 6-1 to adopt Resolution No. 7141 and to disapprove the subject application. Commissioners Farrell, Mellon, Newman, Porter, Ritchie and Rueda voted "Aye"; Commissioner Fleishhacker voted "No."

Subsequently, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 7142 be adopted to announce the Commission's intention to hold a discretionary review of plans for any projects proposed in the future on the properties which had been included in Application No. ZM73.31.

ZM74.1 - 2045 LAWTON STREET, SOUTHEAST CORNER OF 27TH AVENUE
R-3 TO A C-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular parcel with a 90-foot frontage on Lawton Street and a 25-foot frontage on 27th Avenue for a total lot area of 2,375 square feet. The building on the site is occupied by the Philippine News, a non-conforming use with an April 27, 1981, termination date, on the ground floor and a dwelling unit on the upper floor which has been converted to offices in violation of the provisions of the City Planning Code. The owner of the property had filed the application for reclassification from R-3 to C-2 in order to legalize the present use of the building.

Commissioner Fleishhacker, noting that the subject property is not located adjacent to a C-2 district, asked if the staff could provide him with a definitive definition of the term "spot zone." Mr. Steele replied that a "spot zone" could be defined as a rezoning which gives a special favor to only one or a few property owners. In reply to further questions raised by Commissioner Fleishhacker, Mr. Steele stated that he felt that approval of the subject application would result in "spot zoning" and that such action on the part of the Commission would be illegal.

Alejandro A. Esclamado, the applicant, submitted folders containing petitions, a list of owners of property within a 300-foot radius of the subject site, financial data concerning the Philippine News, and a sample copy of the Philippine News. He stated that the Philippine News is published in San Francisco and distributed throughout the United States. The editorial staff of the newspaper is housed in the building which occupies the subject property; however, the newspaper is actually printed elsewhere. He stated that he and his family had previously lived on the premises; however, because of bad relations which had developed with one of their neighbors, they had decided to move elsewhere and to convert the second floor of the building to offices. He stated that the building occuping the property was obviously designed for commercial use; and he remarked that it is located in a commercial area. Referring to the folder which he had distributed to members of

the Commission, he indicated that he had obtained the signatures of 90% of his neighbors on a petition which stated that they had no objection to the proposal to reclassify the property to C-2. A second petition had been signed by individuals who had been misinformed of his intentions by one of his neighbors and who had originally signed petitions in opposition to the proposed re-zoning; and, with the understanding that the present use of the property would not be changed and that no new construction or addition of heavy machinery would take place, they had indicated their willingness to withdraw their previous objections to the reclassification. Mr. Esclamado stated that the list of property owners within a 300-foot radius of the subject site which had been included in the folder container notations to indicate which of the property owners were in support of the subject application, those who were opposed to the application, and those who had not been contacted; and he noted that the same information was reflected on a map of the neighborhood which he had prepared for review by the Commission. He remarked that the Commission, in considering another zoning application earlier in the afternoon, had given special consideration to St. Joseph's Hospital because it provides a public service; and he felt that his newspaper, which is also a public service, should also deserve special consideration.

President Newman asked individuals who were present in the audience in support of the subject application to stand. Several people responded.

Mrs. Twomey, owner of property on the opposite side of Lawton Street, stated that the ground floor of the subject building was used as a furniture store before it became the offices of the Philippine News; and, with furniture being unloaded on the sidewalk, she considered that use to have been much more objectionable than the present use of the premises. Yet, no complaints had been registered against the furniture store. She also indicated that another building further down the street was used as a grocery store and has now been converted into the House of Lawton; and it creates a serious parking problem in the neighborhood. She stated that the publisher of the Philippine News had cleaned up the premises of the subject property, making it possible for children to ride their bicycles on the sidewalk again; and she did not feel that continuation of the use would have any detrimental effect on the neighborhood.

President Newman asked if the interior of the second floor of the building had been remodeled since it was converted from residential use to office use. Mr. Esclamado replied in the negative and indicated that he did not intend to remodel that space.

Dr. Amancio G. Ergina, President of the Philippine American Council of San Francisco, remarked that Filipinos are the fastest growing ethnic group in San Francisco. As such, they are naturally experiencing problems; and one of the major problems is that of communication. He believed that the Philippine News has helped to close the communications gap not only in San Francisco but throughout the United States.

Charles Stuhr, Attorney for Benard A. Haas, owner of property at 1606 27th Avenue, submitted a petition which had originally been signed by a number of property owners in the area in opposition to the subject application. He also submitted photographs of the three other corners at the intersection on 27th Avenue and Lawton

Street, emphasizing that they are occupied by residential uses. He stated that his clients had no desire whatsoever to put the applicant out of business; however, they felt that he should be required to relocate his commercial activities to another area which is zoned properly for the use. Insofar as the petition which he had circulated in opposition to the application contained the signatures of 75% of the property owners in the area, he acknowledged that there was an apparent conflict between his petition and the ones which had been submitted by Mr. Esclamado. However, he emphasized that the subject neighborhood is not a commercial area; and he stated that his clients wished to stop the type of creeping commercialism represented by the present use of the subject building. Finally, he stated that it was his opinion that the Commission could not legally approve the subject application. In conclusion, he asked individuals who were present in opposition to the application to stand; and approximately 5 people responded.

President Newman remarked that the ground floor of the premises of the subject property had apparently been used for commercial purposes since prior to 1960; and he asked Mr. Stuhr if his clients were opposed to the legal non-conforming use on the ground floor or if they were only concerned about the commercial activities taking place on the second floor of the building. Mr. Stuhr replied that his clients were opposed to the applicant's proposal to reclassify the property from R-3 to C-2 since such a change of zone would allow the entire building to be used for commercial purposes.

President Newman then asked if residents of the neighborhood had been dissatisfied when the second floor of the building was used for residential purposes. Mr. Stuhr replied that he had not heard of any complaints of that sort.

President Newman then pointed out that the first floor of the building could continue to be used for commercial purposes even if the subject application were to be disapproved.

Commissioner Rueda indicated that members of the Commission had visited the subject property on a field trip. He stated that they were sympathetic with the applicant's request; however, since re-zoning of the property as requested might constitute "spot zoning" and might therefore be illegal, he felt that the Commission should ask for an opinion from the City Attorney regarding its legal authority before taking action on the application.

Commissioner Ritchie, having studied the petitions which had been submitted by Mr. Esclamado and Mr. Stuhr, confirmed that a number of individuals who had signed a petition in opposition to the application on January 25 had also signed a petition in support of the application on February 3. The situation was obviously confusing in nature; and, under the circumstances, he felt that the Commission should look further into the matter and seek the advice of the City Attorney before taking action on the application.

John McBride, owner of property at 1566 27th Avenue, stated that he had lived in the area since 1931; and he advised the Commission that this was the second occasion on which someone had tried to change the zoning of the subject property. He stated that he had no objection to anyone living in the block; but he did object to introduction of commercial zoning which would inevitably change the character of the neighborhood.

Allan B. Jacobs, Director of Planning, stated that a determination as to whether a specific re-zoning situation constitutes "spot zoning" can properly be made only by the courts; and he doubted that the City Attorney would be willing to venture an opinion on whether approval of the subject application by the Commission would constitute "spot zoning." Under the circumstances, he believed that both his recommendation and the Commission's action would have to be based solely on the merits of the case as presented. Furthermore, while petitions often have an influence on the recommendations of the staff, he felt that other factors were more important to the matter presently under consideration. He remarked that most of the properties in the vicinity of the subject site are developed with low density residential buildings; and he indicated that reclassification of the subject property to C-2 would permit uncontrolled commercial intrusion into the existing residential area which would inevitably reduce the existing residential character and amenities of the neighborhood. Furthermore, reclassification of a single parcel of property to R-2 would constitute a "spot zone," an action of questionable legality. He stated that the applicant had not demonstrated any way in which public necessity, convenience, or general welfare would benefit from the requested reclassification of the property; and he emphasized that the legally existing non-conforming use on the ground floor of the property could continue until April 27, 1981, even if the zoning of the property were to remain unchanged. For these reasons, he recommended that the application be disapproved.

The Director stated that he realized that some of the residents of the area would not object to continuation of the present use of both floors of the building on the subject property. However, if the property were to be re-zoned to C-2, the property could be used for any of the commercial activities permitted in that zoning district, many of which could have a severe detrimental effect on the neighborhood. In addition, C-2 zoning of the subject property would create a transitional zone under which other properties in the vicinity would be permitted to be developed to R-3.5 standards or to be used as private clubs or offices.

Commissioner Porter stated that she was somewhat confused about the discussion of the term "spot zone." While she had always understood that "spot zoning" was anathema to planners and City Planning Commissions, she had never been aware that "spot zoning" is illegal. The Director confirmed that the Commission has a legal right to create "spot zone"; however, if a court should determine that a specific case of "spot zoning" has given a special benefit to an individual or to a small group of people to the detriment of others, the action of the Commission might be reversed.

Commissioner Ritchie stated that he would nevertheless like to obtain the advice of the City Attorney before taking action on the subject application; and, therefore, he moved that the matter be taken under advisement until the advice of the City Attorney has been received. The motion was seconded by Commissioner Rueda.

Commissioner Fleishhacker stated that he doubted that the City Attorney would render an opinion as to whether "spot zoning" in this specific instance would be legal; and, as a result, he questioned the desirability of postponing action on the application.

Commissioner Rueda pointed out that the applicant renders a unique service to the Filipino community by publishing the Philippine News on a non-profit basis; and, therefore, he felt that the Commission should determine whether there is any way in which it could legally permit the present use of the building to continue.

President Newman asked if the Commission could grant Conditional Use authorization for continued use of the second story of the building by the Philippine News. Mr. Steele replied in the negative.

Commissioner Rueda stated that it was his opinion that the applicant had demonstrated a public necessity for continuation of the use.

The Director stated that Commissioner Rueda should vote for the requested change of zone if he felt that the applicant had, in fact, demonstrated a public necessity for continuation of the use on the subject property.

Commissioner Rueda asked if such action would be legal. Mr. Steele replied that approval of the application by the Commission would probably be reversed if the issue were to be taken to the courts.

Commissioner Fleishhacker emphasized that no one on the Commission or on the staff of the Department of City Planning had objected to the publication of the Philippine News. The issue before the Commission concerned the proper location for the offices of that newspaper; and it was his opinion that space must be available elsewhere in the city which would adequately fulfill the needs of the newspaper without violating the law.

President Newman pointed out that the newspaper is not printed on the premises. The building merely houses the editorial staff of the newspaper. He indicated that he thought that it was somewhat unfair that the City Planning Code would permit seven people to live on the premises but that it would not permit seven people to sit in the building.

When the question was called, the Commission voted 6-1 to take this matter under advisement until the advice of the City Attorney has been received. Commissioners Farrell, Mellon, Newman, Porter, Ritchie and Rueda voted "Aye"; Commissioner Fleishhacker voted "no."

CU74.1 - SUTTER STREET, SOUTH LINE, 137.5 FEET EAST OF BUCHANAN STREET
REQUEST FOR AUTHORIZATION FOR A PHILANTHROPIC INSTITUTION TO SERVE AS THE OFFICES OF THE JAPANESE AMERICAN CITIZENS LEAGUE IN AN R-4 DISTRICT

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular lot with a 34.375-foot frontage on Sutter Street and a depth of 101 feet for a total area of 3,471.9 square feet. The property is presently occupied by a building which houses a book warehouse, the office of the Oriental Cultural Book Company, and three dwelling units. The subject application had been filed by the San Francisco Redevelopment Agency on behalf of the Japanese American Citizens

League which proposed to construct a three-story building on the site to house the offices of the national headquarters of that organization. No off-street parking would be provided on the subject site; however, parking for the proposed facility would be provided by the Nihonmachi Parking Corporation facility, which is located at the rear of the property. In conclusion, Mr. Steele stated that the proposed structure had been designed to harmonize in scale and general appearance with adjacent victorian residential structures.

Richard Kono, representing the San Francisco Redevelopment Agency, introduced David E. Ushio, Executive Director of the National Japanese American Citizens League. Mr. Ushio stated that the proposed facility would be the first national headquarters building to be constructed for his organization during its 45-year existence. A number of cities had vied to become the home of the national headquarters building; however, San Francisco has been chosen overwhelmingly for the honor.

Commissioner Fleishhacker, noting that the subject block has some rather nice "victorian" houses, asked if the proposed building would be compatible with those structures. Mr. Ushio replied that he believed that the proposed building would be compatible with the victorian buildings in the area.

Noboru Nakamura, architect for the applicant, stated that the proposed building would have bay windows; and he believed that it would blend well with other buildings in the area. He advised the Commission that the proposed building would be modest in scale, costing a total of $250,000 to be paid for with funds collected nationally.

President Newman stated that it was his opinion that very sensitive architectural treatment would be needed to assure that the proposed building will conform with other building in the area.

No one else was present in the audience to speak in favor or in opposition to the subject application.

Mr. Steele remarked that the proposed building would consolidate needed community services, which are now offered in separate locations, in one building; and he noted that the proposed use is a permitted use under the Redevelopment Plan for the Western Addition. He also believed that the proposed building would be compatible with the neighborhood. For those reasons, he recommended that the application be approved subject to specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After discussion it was moved by Commissioner Farrell, seconded by Commissioner Mellon and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7143 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

At this point in the proceedings Commissioner Mellon absented himself from the meeting room for the remainder of the meeting.

CU74.2 - 156-162 GUERRERO STREET, WEST LINE, 105 FEET SOUTH OF CLINTON PARK - REQUEST FOR MODIFICATION OF CONDITIONS CONTAINED IN CITY PLANNING COMMISSION RESOLUTION NO. 7043 TO EXTEND THE TERM OF THE CONDITIONAL USE PARKING LOT FROM JULY 12, 1975, TO DECEMBER 31, 1985

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. He stated that the Commission, on July 12, 1973, had approved a Conditional Use Application to permit the subject property to be used as a parking lot for storage of automobiles being serviced by S & C Motors. At that time, one of the conditions which was established by the Commission had limited the authorization to a period of two years. The new application which had been filed by the applicant requested that the authorization be extended to a term of 12 years ending on December 31, 1985.

Bruce Goecker, representing S & C Motors, indicated that he was present to answer any questions which might be raised by members of the Commission.

Mr. Harrison, Controller for Mary's Help Hospital, owner of the subject property, advised the Commission that more than 300 proposals had been made for sale of the subject site; however, in spite of its efforts, the hospital had received no "nibbles" whatsoever. However, S & C Motors had agreed to purchase the property if the Commission would be willing to extend the Conditional Use Authorization as requested.

Commissioner Fleishhacker asked if he were correct in understanding that no one had even offered the hospital as much as $1.00 for the property. Mr. Harrison replied in the affirmative.

Elba Tuttle, Chairperson of the Mission Coalition Organization Planning Committee, read and submitted the following prepared statement:

"My name is Elba Montes Tuttle, and I am the chairperson of the Mission Coalition Organization Planning Committee. I am here to assist the City Planning Commission to reject the application of S & C Ford for an extension of its Conditional Use permit for a parking lot.

"MCO opposes the granting of this permit, which would freeze land non zoned for people's housing into a home for 43 cars until 1985!

"Much of the Inner Mission is zoned for commercial use. In fact, about one-half of the housing units in the neighborhood--10,000 homes, flats and apartments and 3000 hotel rooms--are located in industrial or commercial zones. Since 1960, more than 125 residential buildings in these zones have been destroyed, replaced by stores, gas stations or offices. The MCO is concerned about this commercial encroachment on our housing. We believe that granting this long term permit would be perpetuating a commercial use in a residential part of the Mission, on a piece of property non zoned R-4 for housing.

"Last fall, the Planning Commission granted S & C Ford a three-year permit. The MCO did not oppose that short-term use, because we knew the Planning Department was preparing a three-year study of residential zoning in San Francisco's neighborhoods. Using the land for parking for three years during your study would have kept the owners from building expensive studio apartments, which Mission residents do not need. The three year study--and the Interim Zoning controls which just passed unanimously by the supervisors--would give us a breathing space while MCO completes its housing policies for the community.

"Instead of parking MCO would like to see a mini-park or some other kind of open space on that land, and on any other vacant land in the Mission. We will work with the Recreation-Parks Department to see if land which will be fallow during your zoning study can be used temporarily for recreation. We realize it is too late for this particular site, but we hope the commission will look with favor upon future MCO proposals for more open space in the Mission, an urgent need cited in your own 1970 Urban Design Study.

"In conclusion, I would like to compliment the commission for developing the Interim Zoning controls. The MCO believes the three-year study will be beneficial for the Mission District and for all other neighborhoods in San Francisco which are trying to improve life for present residents.

"We believe the granting of an additional twelve years of commercial automobile parking on residential property will be contrary to the results of your long term study. However, the MCO knows it is against the best interests of the community, and we urge you to reject this application."

Ann Gregoric, representing people who reside in the immediate vicinity of the subject property, stated that there are three parking lots located within one and a half blocks of the property. She advised the Commission that residents of the area do not want to be surrounded by "wall-to-wall parking"; and, in view of the scarcity of land in San Francisco, she felt that the subject property should be used in a way which would help to fulfill the goals of the community.

Jorgen Neilson, 85 Ramona Street, stated that parking lots have been messing up the subject neighborhood for the last 30 years; and he indicated that he was opposed to them.

Steve Jacobi, representing the Mission Planning Council, stated that he agreed with remarks which had been made by previous speakers in opposition to the application. He remarked that the existing parking lot cannot be used by people residing in the neighborhood; and he advised the Commission that most of the people in the area feel that there must be a better use for the property.

Allan B. Jacobs, Director of Planning, remarked that approval of the 10-year extension of the Conditional Use Authorization would have the same effect as reclassifying the property to a commercial "spot zone" in a residential area. He noted that the subject property is well removed from the commercial use which it

serves; and he pointed out that abundant commercially-zoned properties are available along Valencia Street, one block east of the subject property. He stated that the parking lot interrupts the residential character of Guerrero Street, that it cannot be adequately screened, and that it is not in conformity with Master Plan policies calling for intensification of residential usage in the subject neighborhood and provision of needed family housing. He stated that the applicant had demonstrated no public need or substantial benefit to the public to be derived from the extension of time requested nor that such an extension would either be necessary or desirable at the intensity or location proposed. Therefore, he recommended that the application be disapproved.

After discussion it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker and carried 5-1 that Resolution No. 7144 be adopted and that the subject application be disapproved. Commissioners Farrell, Fleishhacker, Newman, Porter, and Rueda voted "Aye"; Commissioner Ritchie voted "No."

CU73.64 - 1200 COLUMBUS AVENUE, NORTHEAST CORNER OF BAY STREET. REQUEST FOR AUTHORIZATION FOR A PARKING LOT FOR APPROXIMATELY 30 AUTOMOBILES; IN A C-2 DISTRICT AND IN THE NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 2. (POSTPONED FROM MEETING OF JANUARY 10, 1974)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular corner parcel with an area of 8,005 square feet. The property, which is presently vacant, was formerly occupied by a gasoline service station; and, since removal of the station, the lot has been used as a parking lot in violation of the City Planning Code. A notice to cease the violation was sent to the applicant on July 5, 1973.

Gerald Roullier, Vice-President of Savoy Auto Parts and Garages, Inc., stated that the lot is owned by the Villa Roma Hotel who had given his firm permission to operate the existing parking lot on a day-to-day basis. He stated that his firm wished to continue operation of the parking lot; however, since their arrangement with the owner of the property could be terminated at any time, they were reluctant to make any capital improvements on the property. In conclusion, he stated that he assumed that members of the public would still continue to park on the property for free if the commercial operation were to be removed.

Commissioner Fleishhacker observed that the property could not be used by the general public if it were to be fenced by the owner.

President Newman asked what type of improvements Savoy Auto Parts would be willing to make on the site. Mr. Roullier replied that very little expenditure for improvements would be justified given the "day-to-day" nature of their lease. If nothing more were done than paving the lot, the estimated cost of such a project would be approximately $3,000.00.

No one else was present to speak in favor of, or in opposition to, the subject application.

Allan B. Jacobs, Director of Planning, stated that a parking lot on the subject site, if probably designed, developed, and operated, would result in little, if any, vehicular traffic conflicts and would adversely affect pedestrian movement. He indicated that there is a need for additional parking in this particular portion of the Northern Waterfront and he believed that the proposed parking lot, if appropriately screened and landscaped, would be compatible with development in the area. Therefore, he recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. The conditions read as follows:

1. Final preliminary plans for a parking lot including landscaping, screening, signing, and circulation shall be developed in consultation with the Department of City Planning. The landscaping and parking layout on said plans shall be in general conformity with the preliminary plan marked "Exhibit A" and filed with this application.

2. Final plans shall have the approval of the Department of City Planning prior to the filing for any building permits for the site, and all development on the site shall generally conform with these plans.

3. Prior to commencement of the parking lot operation, all landscaping, screening, paving and signs specified by the approved final plans shall be installed and approved as complying with the above conditions. Said landscaping shall be continuously maintained in a healthy and attractive condition as long as the site is used for open parking of automobiles.

4. Signs controlling access and egress for the parking lot, to minimize traffic conflicts, shall be developed in consultation with the Department of City Planning.

5. Artificial lighting of low intensity shall be provided and shall be deflected downward.

6. Signs, if any, shall be limited to one non-projecting identifying sign not more than 16 square feet in area. No general advertising signs shall be permitted.

7. The authorization for a parking lot shall be for a period not to exceed two years from the effective date of this resolution provided, however, that upon review by the City Planning Commission not less than three months prior to the end of the initial two year period, the Commission may extend the temporary use of this facility for such a period as it may deem appropriate.

Commissioner Fleishhacker assumed that the owner of the subject property would inevitably be responsible for installation of the improvements required by the conditions contained in the draft resolution; and he asked if the applicant or the owner would be willing to abide by the conditions which had been recommended by the Director. Mr. Roullier replied in the negative.

The Director stated that he would have to recommend that the subject application be disapproved if the applicant had no intention of complying with the conditions which he had recommended.

Commissioner Ritchie questioned whether it would be feasible to operate a parking lot on the site unless the property were paved and provided with a drainage system. Mr. Roullier replied that the property has a drainage system; however, instead of paving, the lot is covered with heavy gravel.

President Newman, noting that approval of the application would be meaningless if the applicant had to intention of complying with the conditions which had been proposed, asked why the applicant had even bothered to bring the matter before the Commission. Mr. Roullier stated that the reason for filing the application was to determine whether the parking operation could continue in its present form without any improvements being required.

President Newman then remarked that the present use would be in violation of the City Planning Code if the subject application were to be disapproved by the Commission. Mr. Steele indicated that the use would also be in violation of the City Planning Code if the application were to be approved and if the conditions established by the Commission were not met.

Commissioner Porter expressed doubt that any laws exist which would require the owner of the property to fence the site if the commercial operation were to be terminated; and, as a result, she believed that automobiles would probably be parked on the property in any case. Mr. Steele stated that use of the property for parking without Conditional Use Authorization would be in violation of the City Planning Code; and the owner of the property would be responsible for the violation. When such violations have occurred in the past, the City Attorney has occasionally required that fencing be installed.

The Director noted that the Commission had established conditions similar to those which he was now recommending when it recently acted to approve a smaller parking lot at Northpoint and Larkin Streets.

Commissioner Ritchie stated that the owner of the property would have to make some improvements on the site if he wished to derive any revenue from the lot; and, therefore, he moved that the application be approved subject to the conditions which had been recommended by the Director. The motion was seconded by Commissioner Fleishhacker. When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No.7145 and to approve the application subject to the conditions which had been recommended by the Director.

CU73.70 - 101, 109, and 115 SHIELDS STREET, SOUTHWEST CORNER OF BRIGHT STREET.
REQUEST FOR AUTHORIZATION FOR A NURSERY SCHOOL - CHILD CARE CENTER: IN AN R-1 DISTRICT
(UNDER ADVISEMENT FROM MEETING OF JANUARY 17, 1974)

R. Spencer Steele, Assistant Director-Implementation(Zoning Administrator), remarked that this matter had been taken under advisement on two occasions to give the applicant additional time to find a more suitable location for the nursery school. He indicated that the staff of the Department of City Planning had previously recommended that the application be disapproved.

John Laurant, Chairman of the Board of Directors of the Community Children's Theatre submitted the following letter which was then summarized by President Newman:

" We, the Community Children Theatre,Inc. are asking the commission to grant our request for a conditional use permit in order that we may continue with our dedicated efforts to serve and enrich our community by providing activities that will benefit all persons involved (parents and non-parents of this community included).

" We have no doubt, that if we are afforded the opportunity to continue our services, that we can achieve through a very effective and diplomatic approach, a harmony in working relationships with all concerned individuals within our community.

" We have been diligently seeking a more acceptable location but time has not been sympathetic to our cause. Therefore we firmly request your patients(sic) and acceptance of our attempts during these depressing times and economic struggles, not only for our members, but for the nation as well.

" In view of the economic situation that we are presently involved in, we feel there is a desperate need for facilities such as ours in this area. Because we are located in the community, this means using less gasoline to get to and from the center. In addition, our fees are based on low income families, therefore aiding in the elimination of people from the welfare roles, who without such services would lose their jobs, or could not afford to work because of the lack of adequate child care facilities at a cost they can afford.

"Our program also enables those welfare recipients who have been exempted by laws(welfare mothers with children under six years of age are exempted from training programs and the job market) the opportunity to become involved in training programs leading to gainful employment and self sufficiency.

"These people and the community need us and we need the cooperation of the City Planning Commission in granting our request as well as this city needs every effort from its citizens to share in the elimination of its economic burdens."

Mr. Laurant stated that other residential buildings on the street are used for commercial activities such as a barber shop and a catering service; and, under the circumstances, he did not understand why the people involved with those activities were opposed to the nursery school.

Mrs. Vermell Hines, 114 Shields Street, denied that she is running a catering service from her house; however, she indicated that she would be willing to prepare meals for other people at their homes. She stated that associates of the nursery school had been most abusive to residents of the neighborhood who had objected to the subject conditional use application; however, she advised the Commission that home owners with children in the area continued to be opposed to continuation of the nursery school on the subject property.

Mrs. Ferrell, also a resident of the neighborhood, confirmed that she and other neighbors continued to be opposed to the application for the reasons which had been stated in the petition which had been submitted to the Commission on January 10.

Commissioner Fleishhacker stated that he was sympathetic with applicants' efforts to provide nursery school care for the subject neighborhood. However, he indicated that he had visited the neighborhood again and was convinced that the subject property is not an appropriate location for the facility. He hoped that the nursery school could find a more appropriate location; but he felt that the subject application should be disapproved.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that Resolution No. 7146 be adopted and that the subject application be disapproved.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted ,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes and Summary of the Regular Meeting held Thursday, February 14, 1974.

The City Planning Commission met pursuant to notice on Thursday, February 14, 1974, at 2:30 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, Planner III; Marie Zeller, Planner III - Administrative; Glenda Skiffer, Planner II; Moira So, Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; George Rhodes represented the San Francisco Examiner.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meetings of November 1, 1973, and January 17, 24, and 31, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that he had appeared before the Fire, Safety, and Police Committee of the Board of Supervisors earlier in the afternoon to participate in that Committee's consideration of the Transit Preferential Streets Program.

The Director advised the Commission of changes which had been made in the proposed Open Space Acquisition and Development Fund Charter Amendment by the Legislative and Personnel Committee of the Board of Supervisors last Thursday. After discussion, the Commission requested President Newman to appear before the Board of Supervisors at the appropriate time to request that body to reinstate the original ratio of 75% expenditure for acquisition and 25% expenditure for maintenance and development instead of the 85%-15% ratio which had been proposed by the Legislative and Personnel Committee. By the terms of the proposed Charter amendment the ratio of expenditure would be fixed only for the first 5 years of the program.

The Director informed the Commission that he had taped an interview for television Channel 9 on the impact of BART in the Mission district. He indicated that the program will be shown on February 14 or February 15 on the "magazine" section of "Newsroom".

Commissioner Fleishhacker inquired about the present status of the Comprehensive Residential Zoning Study. The Director replied that a work program for the study is being formulated; and he anticipated that the study will be underway by July 1.

Commissioner Fleishhacker then asked if it were true that the property occupied by the offices of the Department of City Planning at 100 Larkin Street is being considered as a possible site for the new Performing Arts Center. The Director replied in the affirmative.

At 2:55 p.m. President Newman announced a five minute recess. The Commission reconvened at 3:00 p.m. and proceeded with hearing of the remainder of the agenda.

EE73.224 - APPEAL OF A NEGATIVE DECLARATION BY THE DEPARTMENT OF CITY PLANNING RELATING TO THE VARIANCE APPLICATION FOR CONVERSION FOR THE NOTRE DAME HOSPITAL BUILDING AT 1590 BROADWAY.

Alec Bash, Planner III, summarized the case report which had been prepared for the Commission on this matter. The case report is available in the files of the Department of City Planning.

The Commission then heard from members of the audience, as follows:

Michael S. Percherer, representing the appellant and the Broadway-Polk Residents and Merchants Association; Linda Wong, Co-chairman of the Chinatown Coalition for Better Housing; Mrs. Hui, representing a group of elderly people from Chinatown; Sam Yuen, Director of Self Help for the Elderly; Sam Duval, operator of businesses located at 2200 Polk Street, 1906 Polk Street, and 2323 Polk Street; John Duke, a resident on Van Ness Avenue; Jim Cahill, operator of a business at 2155 Polk Street; Dick Jorach, a resident of the area; John H. Tolan, Jr., Mayor Alioto's Deputy for Development; William Rosso, representing the Maisin Development Corporation; Gerald D. Fox, representing DeLeuw, Cather and Company; Bill Jurvas, manager of an apartment building in the vicinity of the subject site; Calvin Welch, a resident of the Haight-Ashbury District; and Alice Barkley, a resident on Pacific Avenue between Polk and Larkin Street.

After discussion, it was moved by Commission Mellon, seconded by Commissioner Porter and carried unanimously that Resolution No. 7147 be adopted finding that the variances requested for the proposed project could not have a substantial effect on the environment; thereby affirming the Negative Declaration filed by the Department of City Planning. As a result, no environmental impact report will be required.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular meeting held Thursday, February 21, 1974.

The City Planning Commission met pursuant to notice on Thursday, February 21, 1974, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Robert Passmore, Planner V (Zoning); Ronald Jonash, City Planning Coordinator; Richard Gamble, Planner IV; Linda Ferbert, Planner II; Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; Carol Kroot represented the San Francisco Progress; and Sanna Craig represented the San Francisco Bay Guardian. Television Channel 4 was also represented.

Because of the large number of people present who were interested in the proposed condominium subdivision of Parkmerced, President Newman called that item out of order.

R118.73.26 - CONSIDERATION OF PROPOSED CONDOMINIUM SUBDIVISION OF PARKMERCED.

Allan B. Jacobs, Director of Planning, made the following introductory comments:

"The matter before you is a referral from the Director of Public Works for a report, pursuant to the Charter, as to the master plan conformity of the subdivision of Parkmerced into a condominium. Condominiums are a form of subdivision and are regulated under the State Map Act.

"This is not a public hearing. The C.P.C. is asked for its recommendations. Under both the State Act and the City Charter the scope of review includes a number of items including consistency of the subdivision with applicable ordinances and 'general or specific plans' of the city.

"Planning Commission Master Plan Referral is initiated by the Director of Public Works transmittal letter which cites a cut off date under State law for approval, conditional

approval or disapproval. Failure to act by this time constitutes automatic approval. The date for Parkmerced's Map was extended with permission of the subdivider from Jan. 31 to March 1 in order to try to resolve conflicts between map submitted and our Master Plan policies and previously approved plans for Parkmerced. C.P.C. must report before March 1st or get the subdividers written consent for another time extension.

"The subdivider, if unhappy with C.P.C. conditions or disapproval, may appeal to 'governing body' (B.O.S.). Otherwise Supervisors do not see tentative map.

"The final map is prepared within one year and is submitted to DPW. If conforms to approved Tentative Map it goes to Supervisors for approval. This is usually a perfunctory matter. If the final differs substantially from approved tentative it comes back to C.P.C. for review again."

The Director then read his report on this matter to the Commission as follows:

"The Director of Public Works has forwarded the tentative map for the subdivision of Parkmerced into a condominium for Master Plan referral.

"Parkmerced was developed by the Metropolitan Life Insurance Company, according to a plan approved by the Planning Commission in June, 1941. In 1948 the Planning Commission approved revisions to the project's plan, incorporating eleven thirteen-story towers and development of the remaining vacant parts of the site.

"Several years ago Metropolitan Life sold the buildings to Parkmerced Corporation in the first part of a two-stage transaction. Parkmerced Corporation now proposes to turn the rental project into a condominium.

"Parkmerced Corporation's tentative map indicates several exclusions from the condominium: the playfield at Font and Lake Merced Boulevards, the shopping center next to 19th Avenue and the undeveloped nursery and recreational reserve on Brotherhood Way near Junipero Serra Boulevard. Parkmerced Corporation proposes to exclude them from the common property to be owned by the condominium purchasers, but rather proposes to hold them separately for possible development.

"The shopping center is zoned C-1 and the recreational areas are R-3. If they are excluded from the condominium, residential development could follow. At R-3.5 density, the 2.76-acre shopping center could be developed with up to 201 dwelling units. The 6.8-acre playground with R-3 zoning could be developed with up to 370 units and the 7.8-acre nursery and recreational reserve, also R-3, would allow 425, a grand total of 996 units. Compared with the 3483 units in the development, this would be an increase of 29 percent.

Playgrounds

"Metropolitan Life agreed to provide at least 11.4 acres of playgrounds, exclusive of the small interior block play yards or passive park area. The 6.8-acre parcel was developed as a playground, but the reserve area was not, although promotional literature indicated an intent to build tennis courts there. (The City's standard for playgrounds used on Parkmerced was 1.2 acres per 1000 population. The national 'standard' is 3 acres per 1000. At Parkmerced's current population (6700) 8.0 and 20.0 acres would be required respectively, to satisfy these standards.)

"The subdividers argue that the recreational facilities aren't needed; that the tenants do not use them. This could be caused by management policies or provision of the wrong type of facilities for the resident population, as well as the peripheral location, compounded by congestion at San Francisco State. The first two factors are correctable by the future property owners, and utilization of the reserve site could compensate some for the disadvantages of the playground location.

"The plan for Recreation and Open Space Policy 4 of the city-wide system is to 'require usable open space in new residential development. Encourage creation of recreational space in existing development.' To require retention of these recreational and open space areas is consistent with the plan. To do otherwise would be, simply, to provide a potential windfall for the new developers.

Shopping Center

"The shopping center, also proposed to be excluded from the condominium is zoned C-1, which permits residential development as a principle use.

"The subdividers claim that exclusion is necessary because a condominium purchaser cannot own revenue-producing facilities without becoming a form of land investor rather than a mere homeowner. This complicates his tax status and makes condominium purchase less competitive. An alternate possibility is that the shopping center could be a condominium unit owned by a commercial investor rather than held as common property of the condominium owners. This arrangement is being utilized for the large parking garages, and will be explained in further detail. If the center cannot be a unit in the condominium, some form of covenants or similar device should be created to guarantee the retention of this convenience facility for the neighborhood.

"The need for neighborhood shopping is recognized in the Comprehensive Plan for Residence. This facility is indicated on the Generalized Residential Land Use Plan.

' Parking

"Parkmerced has less than a one-to-one ratio of off-street parking to dwelling units (3295/3483), but due to the generous amount of street parking (in bays) there has always been a large surplus of vacant spaces in the three parking garages. Tenants can rent space in the garages, but many find street parking more conveniently located as well as cheaper. The garage operators have long rented much of this surplus to non-residents and auto dealers.

"All of the 1653 carport spaces will be sold with garden apartments, but 147 of the 1800 garden units will not have garage spaces. For the 1683 tower units and the garageless garden apartments, the commercially operated garages have 1564 stalls and 78 parking lot stalls. The garages will be separate condominium units, not commonly owned, and project owners will have first priority in renting space.

Housing Issues

"In addition to the issue of the existing recreation areas and open space, several other areas of concern related to the Master Plan have arisen in communications with the Human Rights Commission and the Parkmerced Tenants Organization. These areas of concern are basically:

-Potential Displacement/Relocation
-The Supply of Low- to Moderate-Income Housing
-Discrimination and Open Housing
-Citizen Participation

"1) Displacement/Relocation

a) Objective 1, policy 3 of the Residence Element of the Comprehensive Plan: 'Improve services to rehouse displaced households and avoid displacing any house-hold until adequate relocation housing is available;'

b) Strategy Element 9 of the 'Housing Strategy' recently endorsed by the City Planning Commission: 'Minimizing displacement of residents resulting from public and private action, and providing adequate relocation services when displacement is unavoidable.'

"The concern related to these policies is that Commission approval of too rapid a conversion from rental to condominium units could cause large-scale displacement of existing residents. This could, in turn, cause severe hardship to some, since public relocation assistance would not be available, and since many of the existing tenants are elderly, have lower incomes, and may not be able to purchase the condominiums. The applicant has projected that approximately two-thirds of the existing residents will not purchase the converted condominiums. Since the majority of the units to be converted are two- to three-bedroom units (representing 4.0 percent of all such units in the city), the displacement problem may pose particular hardship given the very low vacancy rate (about one percent according to latest surveys) which exists for such units in San Francisco.

"In response to these concerns, the applicant had indicated that, based on past experience, the normal turnover of tenant-occupied units in a project of this size will create sufficient vacancies so that no evictions will be necessary. Furthermore in order to reduce the need for evictions, the applicant has not been filling vacancies in the development for some time. A total of over 200 units are now vacant and

would be immediately available for resale. The applicant has noted that initially sales will be made to existing residents and to fill existing vacancies. The applicant has also expressed a willingness to adopt procedures which could defer any necessary evictions or rental increases in hardship cases until the end of the projected conversion period. While displacement, particularly if it were caused by forceable eviction, remains a serious concern, based on the understanding above, the proposed conversion would appear to be in conformity with this City policy regarding the minimizing of displacement.

"2) The Supply of Low- to Moderate-Income Housing

Objective 3 of the Residence Element of the Comprehensive Plan: 'Provide maximum housing choice both in the City and in the Bay Area, especially for minority and low-income households.'

"The concern related to this policy is that conversion of 3500 rental units to condominium units in this part of the city could have a significant impact on housing choice, particularly for minority and low-income households. Whether this choice would be expanded or further constrained would depend on the sales prices and procedures developed by the applicant. The applicant has reported tentatively that sales prices will range from $19,000 to $70,000 depending on size and present rent level, that the applicant will require a 25 percent down payment, and that financing will not be available through the developer. This range of sales prices indicated that economic integration of the project will be encouraged and that housing choice in the area of ownership could be expanded for some income groups. While favorable financing terms through the developer would be of further assistance in this regard, the developer has indicated a willingness to work with local financial institutions to provide flexible terms. However, the presently anticipated 25 percent downpayment could preclude purchase by many qualified buyers. This concern has been discussed with the applicant, through counsel, and it is hoped that more flexible financing provisions can be developed which will encourage the participation of buyers who have not yet accumulated sufficient savings to make a $5,000-$15,000 downpayment. If flexible financing provisions can be developed the proposed conversion would be consistent with the objective of maximizing housing choice.

"3) Discrimination and Open Housing

Objective 3, Policy 3 of the Residence Element of the Comprehensive Plan: 'Work for Open Occupancy.'

"The concern related to this policy is that problems of housing segregation and discrimination which developed under a former ownership can be further eliminated during the condominium conversion process. The U.S. Supreme Court has ordered Parkmerced to integrate the project and the new owners have agreed to an Affirmative Action Program developed through the courts to achieve this end. The program anticipated the possibility of condominium conversion and set forth additional requirements for advertising in minority publications; other provisions of the court order apply equally to sales as well as leasing activities by the owners.

"4) Citizen Participation

Objective 5, Policy 2 of the Residence Element of the Comprehensive Plan: 'Provide opportunities for citizen involvement in planning and programming of local community improvements.'

"The concern relative to this policy is that Parkmerced residents, numbering about 3500 households, be involved at the earliest possible date in discussions with the new owners on the condominium conversion procedure. The applicant has indicated that State Real Estate Department interpretation of State law precluded advertising until a public report had been issued. The applicant had consequently not been working with existing resident groups. Although California does not have a law such as does New York State (which reportedly requires approval of 35 percent of the existing residents before a condominium conversion can be approved), it is our belief that meetings between the applicant and existing residents could help facilitate the transition to condominium ownership while at the same time minimizing hardships for existing residents. Our communications with the State Real Estate Department indicate that these discussions can now proceed and, with the understanding that they do, the proposed conversion would be in conformity with the objective of citizen involvement.

"In addition to these concerns, it should be noted that one of the nine strategy elements of the recently endorsed 'Housing Strategy' is to 'encourage increased owner occupancy of housing.' To the extent that absentee ownership is discouraged in the sales procedures, this proposal would clearly assist in the implementation of this strategy."

The Director then offered his recommendation on the matter to the Commission as follows:

"It is recommended that the Director be authorized to report that the tentative map for the Parkmerced Condominium prepared by Kirker Chapman & Associates, dated December 1973, is not in conformity with the Master Plan, unless:

"1. The playground in Block 7304 and the recreational reserve along Brotherhood Way in Blocks 7331 and 7332 be included as common property inside the condominium, and

"2. The shopping center in Block 7324 be included within the condominium as a condominium unit or that the subdividers record covenants worded to the satisfaction of the Department of City Planning to guarantee the retention of this as a shopping facility, and

"3. The applicant agrees to work, in good faith, with the Human Rights Commission

-to assure that any necessary evictions or rental increases (beyond those related to normal market forces) are deferred until the last two years of the projected condominium sales period;

-to develop feasible downpayment requirements and to work with financial institutions on more favorable financing terms so that households will be able to purchase units with monthly housing costs comparable to January 1974 rent levels;

-to immediately initiate discussions with tenants' groups in the area to assure their participation in the transition to condominium ownership;

-to assure that long-term and elderly residents will not be evicted in any case, assuming their ability to pay market rents.

"The Human Rights Commission will file periodic reports regarding progress on these items."

Commissioner Porter remarked that the property occupied by Parkmerced was previously zoned R-1; and she recalled that the City had permitted high-rise development on the property with the understanding that open spaces would be provided and and that they would be preserved. She asked if that prior agreement still obtains; and, if so, she questioned the new developer's legal right to construct new buildings on the open spaces.

The Director confirmed that the previous agreement was still binding; and it was for that reason that he had recommended that the proposed condominium subdivision would not be in conformity with the Master Plan unless the open spaces were to be preserved.

Commissioner Fleishhacker, noting that the Director had recommended that necessary evictions or rental increases be deferred until the last two years of the projected condominium sales, inquired about the probable length of the sales period. The Director replied that the sales period had been projected over a span of five years.

Commissioner Ritchie inquired about the name of the applicant, the name of the present owner of the Parkmerced property, and the place of residence of the owner.

The Director replied that the application had been filed by Helmsley-Spear Inc. of New York City. He stated that it was his understanding that that firm owns the buildings in Parkmerced and that the Metropolitan Life Insurance Company still owns the land which the buildings occupy. The Metropolitan Life Insurance Company is in the process of selling the land to Helmsley-Spear Inc.; and it was likely that the price of the land would vary depending upon the open space requirements established by the City.

Commissioner Farrell asked how the Director would define the words "long-term" and "elderly" as used in the part of his recommendation which specified that the applicant should work in good faith with the Human Rights Commission to assure that long term and elderly residents will not be evicted in any case, assuming their ability to pay market rates. The Director replied that he had purposely avoided defining the terms because he did not know how many years of residence or what age levels would be most relevant. He stated that he had added that provision to his recommendation because many of the telephone calls and letters which had been received by the Department had raised the issue of the effect which the location might have on elderly people. In his opinion, the issue of money was probably a less relevant factor than the real trauma which elderly people might suffer if they were to be evicted and forced to relocate.

Commissioner Farrell then observed that long-term and elderly residents might constitute a majority of the tenants of Parkmerced. The Director acknowledged that that was a possibility; and, if so, compliance with his recommendation might cause real problems for the developer.

Marvin Morgenstein, attorney for the Parkmerced Corporation, confirmed that Helmsley-Spear, Inc. is one of the owners of the Parkmerced Corporation. He also advised the Commission that Harry Helmsley, the principal in Helmsley-Spear, Inc, of New York, owns other projects similar to Parkmerced, including Park Chester in New York which has a total of 12,000 dwelling units. Addressing himself to the recommendation which had been made by the Director, he stated that his clients would be willing to include the playground in Block 7304 and the recreational reserve along Brotherhood Way in Block 7331 and 7332 as common property inside the condominium. He also indicated that his clients would have no objections to working further with the staff to develop a covenant to assure that the shopping center in Block 7324 would be retained. With regard to the other recommendations which had been made by the Director, Mr. Morgenstein stated that he had met with the staff of the Human Rights Commission; and he indicated that he would continue to work with them in good faith. His client would be willing to initiate discussion with tenant groups in the area to assure their participation in the transition to condominium ownership; however, because condominium subdivisions are governed by State law, those discussions cannot be initiated until permission is obtained from the State Department of Real Estate. He indicated that he had spoken with a representative of that agency yesterday and had been advised that the Parkmerced Corporation could make an announcement of its intention to proceed with the condominium subdivision but that it could not give people information concerning prices, timing, or terms of purchase. The law would also prohibit the corporation from making any offers to sell units until permission is given by the State. However, his client would be willing to initiate discussions with tenant groups when approval is given by the State. With regard to the Director's recommendation that flexible down payment requirements be developed, Mr. Morgenstein emphasized that financing decisions would be made by local financial institutions and not by the developers; however, since favorable financing terms would be in the best nnterest of the developers as well as the prospective purchaser, his clients would continue to meet with local financial institutions in an effort to obtain the best terms possible. The Director had also recommended that the developers work in good faith with the Human Rights Commission to assure that any necessary evictions or rental increases beyond those related to normal market forces are deferred until the last two years of the projected condominium sales. Mr. Morgenstein stated that it would be very difficult for his clients to comply with that condition. However, he advised the Commission that condominium sales at Park Chester in New York have been going on for two years; and he indicated that normal tenant turnover had allowed sales in that project to proceed without necessitating any evictions. He believed that the same would be true in the case of Parkmerced. He stated that there are 200 vacant units at Parkmerced at the present time; and it was not expected that condominium sales would require that anyone be evicted. Nevertheless, his clients could not agree to the condition as recommended by the Director even though they might be willing to agree to the condition if it were modified to involve a shorter period of time. With regard to the issue of rental increases, he stated that the Parkmerced Corportation had raised its rents because of economic factors and not because it was trying to force anyone to move. The final recommendation which had been made by the Director was that the applicant should work in good faith with the Human Rights Commission to assure that long term and elderly residents will not be

evicted in any case, assuming their ability to pay market rents. Mr. Morgenstein stated that he had not been aware that that recommendation would be made; and, as a result, he had not discussed it with his clients and did not know if it would be acceptable to them. However, he indicated that his clients did not contemplate eviction action; and, if any such action were taken, the public uproar would probably develop in the community.

President Newman, for purposes of clarification, asked if the developers would agree that no further construction would take place in Parkmerced. Mr. Morgenstein replied in the affirmative, indicating that they would be willing to turn over the open spaces to a homeowners association which will be formed when the condominium sales are initiated. As of that point, his clients would no longer have any control over the open spaces.

President Newman asked if all vacant properties in the project could be deeded as open space. The Director replied in the affirmative.

President Newman then asked if first preference for purchase of units in Parkmerced would be given to occupants of the units. Mr. Morgenstein replied in the affirmative.

Commissioner Porter stated that she had been startled to learn that the Parkmerced Corporation was planning to sell its 3,483 rental units; and, remarking that Mr. Helmsley is apparently involved in similar conversions on the east coast, she asked what advantages are offered by condominium arrangements above and beyond those offered by the present rental operation.

Mr. Morgenstein stated that condominium subdivisions are far more prevalent on the east coast then they are in San Francisco; and he indicated that the condominium subdivision of Parkmerced would increase the number of privately-owned dwelling units in the city.

The Director stated that Ronald Jonash, a member of the staff of the Department of City Planning, had been in contact with the State Real Estate Department and had been advised that State law would not prohibit the developers from engaging in discussions with tenant groups to assure their participation in the transition to condominium ownership.

Commissioner Fleishhacker, noting that Mr. Morgenstein had stated that no evictions had been made at Park Chester in New York, inquired about the number of units which had been sold in that project and about the amount of time which had elapsed since the sales were initiated. Mr. Morgenstein replied that sales at Park Chester began 2 years ago. Three units in that project have already been converted to condominium ownership; and the developers are now proceeding with the sale of additional units.

Commissioner Fleishhacker then asked if purchasers of the units in New York are required to make a 25% downpayment. Mr. Morgenstein replied that he did not know what down payment was being required for those units.

President Newman asked for a comparison of the monthly prices now being paid for the rental units and the estimated monthly prices which will be paid by owner-occupants of the condominium units. Mr. Morgenstein stated that it is anticipated that people who now live in the rental units will stay in the units and will eventually own them. Under the condominium arrangement, the owner-occupants will be responsible for monthly mortgage payments and their share of the budget established for maintenance of common areas; however, as owners, they will also enjoy certain income tax deductions. He believed that the owner-occupants of less expensive units would be paying less per month than at the present time while occupants of the more expensive units will be paying more than at the present time.

Commissioner Ritchie stated that it seemed to him that the basic questions before the Commission were whether Parkmerced should be allowed to become a condominium project and whether additional dwelling units should be allowed on the site. He then continued with the following comments:

"Mr. Morgenstein,
I have received a copy of a New York Times article about the owner of Parkmerced, dated November 11, 1973, and it puzzles me, and I would like to read you a few paragraphs from it.

" 'Some real estate analysts theorize that since he is continuously refinancing and increasing his debt (now said to total a half-billion) he strains hard to make money because the whole thing might collapse if he didn't.

" 'Nowadays, Mr. Helmsley prefers to handle commercial properties where leases are negotiated in orderly fashion by lawyers and where there are no clamoring demands, such as those now ringing in his ears from his thousands of newly acquired apartment tenants.

" 'Since politicans regard tenants as a voting block, he complains, 'tenant power' makes a landlord's life miserable.

" 'The aggravation isn't worth the ownership,' he said, shaking his head.

" 'Yet, he has been buying vast residential communities because, he confesses, he can't resist a bargain.

" 'There are a few buyers with whopping amounts of ready cash. And some of the owners of the country's biggest private housing projects, particularly insurance companies, are in a quandary.

" 'Either the tax benefits on these communities have run out or, with controlled rents, management can no longer afford to maintain them properly, and, at the same time, profitably.

" 'The insurance companies worry about what will happen to their public image if they turn the communities into condominiums. They dread antagonizing thousands of tenants who may be among their insurance customers and who resent being forced into either buying their apartments or moving out.

" 'Consequently, the Metropolitan Life Insurance Company (which may feel it is dealing with another institution when it sells to Mr. Helmsley) has sold him the 3,483-unit Parkmerced Apartments in San Francisco for $60-million. And, for $90-million, it sold him the 12,371-unit Parkchester complex in the Bronx which is possibly worth $300-million.

" 'Although Metropolitan Life has not yet sold Stuyvesant Town and Peter Cooper Village in Manhattan, thousands of residents there are bracing themselves for a sale they believe is imminent.

" 'They are asking the Legislature to raise the proportion of tenants required to approve a condominium plan from the present 35 percent to 51 percent They are being joined by tenants in the Helmsley-owned Fresh Meadows complex and Tudor City apartments.

" 'The Tudor City tenants have already defeated Mr. Helmsley in an attempt to erect office towers on the two private parks within the project. They say he is sulking and has stopped maintaining the parks.

" 'Now Helmsley tenants are joining forces with tenant organizations in Syracuse, Buffalo and other cities as a statewide tenant lobby.

" 'Obviously, Mr. Helmsley did not expect to open such a Pandora's box-particularly in Parkchester where, he has announced the whole residential section is to be switched to condominium status for a total of $270-million instead of just one quadrant for $56-million as previously planned. Some people suggest that rumors of repeal of the vacancy decontrol law hastened this decision.

" 'Mr. Helmsley's condominium prices have stirred protests.

" 'His Parkchester tenants are not opposed to the idea of buying, but they object to the markup he's getting. If Parkchester has been losing $1-million a month, they ask, why should it cost so much to buy their apartments?

" ' 'I buy wholesale and sell retail,' their landlord answers. 'I'm entitled, like everyone else.' "

"Mr. Morgenstein, can you comment about the things in this article?'"

Mr. Morgenstein stated that it would be difficult to comment on the statements made in the newspaper article; however, he would be willing to respond to any factual questions which might be raised by members of the Commission. He observed, however, that rising costs make it more difficult to maintain a good landlord-tenant relationship because landlords must raise their rents and the tenants do not like to have their rents raised.

Commissioner Fleishhacker asked about the aane of the person who had written the New York Times article and whether the author has a reputation for accuracy. Commissioner Ritchie replied that the article had been written by Shirley L. Benzer. He stated that he was not familiar with her reputation.

Mr. Morgenstein stated that the article was inaccurate in at least one regard. New York law does not require that condominium plans be approved by 35% of the tenants affected but merely specifies that no one can be evicted until 35% of the units have been purchased.

Commissioner Rueda stated that he has a son who is a tenant in Parkmerced; and, as a result, he intended to refrain from participation in the discussion and vote on this matter because of a possible conflict of interest.

Michael Carroll, an attorney and a tenant of Parkmerced for 8 years, advised the Commission that he was also the interim chairman of the Parkmerced Residents Association, an organization which had been formed during the last 72 hours. He then asked members of the audience who were present in opposition to the condominium subdivision proposal to raise their hands; and practically everyone in the meeting room responded. He stated that he regarded the recommendations which had been offered by the Director of Planning as a "straw horse"; and he felt that the whole condominium subdivision project hinged on whether the existing open spaces were to be included in or deleted from the overall package. In his opinion, the project was simply a scheme to make money for New Yorkers. He advised the Commission that the Parkmerced Corporation had written to its tenants on November 12, 1973, stating that they would keep the tenants informed. Yet, the corporation had not advised the tenants when the condominium study was submitted or when the tentative condominium subdivision map was filed with the City. In fact, during the time which had elapsed since the original letter was received, the corporation had remained silent, failing to work with the tenants and apparently attempting to deceive them. Yet, no violation of State law would nave occurred if the corporation had notified the tenants that the condominium subdivision map had been filed. Mr. Carroll felt that the staff of the Department had adequately pointed out the provisions of the Master Plan which would not be met by the proposed condominium subdiivision; however, he felt that the staff had not gone far enough in expressing complete disapproval of the proposal. He emphasized that the project, as proposed, would not meet current open space requirements; and development of the existing open spaces would be detrimental to the project and to the city as a whole. He also noted that the condominium subdivision would not promote objectives of the Improvement Plans for Residents calling for open occupancy and provision of low - and moderate - income housing; and those

concerns were expressed in a letter which William L. Becker, Director of the Human Rights Commission, had addressed to the Director of Planning. While he recognized that the conditions which had been recommendedby the Director were intended to ameliorate some of the problems proposed by the project, he doubted that the conditions could be effectively polished. The City Planning Commission would lose jurisdiction over the matter once it has taken final action; and it would be difficult for the Human Rights Commission to assure compliance with the conditions.

Mr. Carroll remarked that the Parkmerced Corporation may already be in contempt of court, not because it is failing to rent to minorities but because it is failing to rent to anyone. Furthermore, while it might be true that the corporation had no intention of "evicting" any of the present tenants, starting on January 1 the corporation had begun to renew leases on a month-to-month basis with rental increase ranging from 17% to 20%; and it seemed to him that that was an obvious device to force renters to leave the project one at a time. He also remarked that condominium conversions are becoming increasingly popular and he indicated that developers can make a profit of between 20 and 25% more by converting to condominium than by maintaining rental units. The program in the present case was for a New York Corporation to use two California Corporations to make a profit in San Francisco and to take the proceeds back to New York. While the spokesman for the corporation had stated that monthly payments following condominium sales will be approximately equal to the payments now being made by tenants and that there would therefore be no need for evictions; however, Mr. Morgenstein's statements had not taken recent and future rent increases into account and had apparently assumed that present tenants of Parkmerced could afford to make a 25% down payment for purchase of their units. Mr. Carroll remarked that condominium conversion of Parkmerced would reduce the City's stock of renter-occupied housing by 3.6 percent; but, even at the present time, the vacancy rate for rental units in San Francisco is less than that which is required for normal mobility, especially with relation to 2- and 3- bedroom units. If the 2,777 rental units with 2- and 3- bedrooms are removed from the rental market, the city's vacancy rate for such units would probably approach zero; and, as a result rental rates for such units would "skyrocket", forcing the exodus of families from San Francisco. Under the circumstances, he felt that approval of the proposed condominium subdivision would be directly contrary to objective No.3 of the Improvement Plan for Residence which states that maximum housing choice should be provided.

Mr. Carroll stated that approval of the condominium subdivision by the Commission would be completely unacceptable. Furthermore, conditional approval of the proposal would also be unacceptable insofar as it would leave all of the options in the hands of the developer. In either case, the Commission would be advising the Director of Public Works that the subdivision should be approved; and if the project were to be approved by the Director of Public Works, approval by the Board of Supervisors would be mandatory. Therefore, the only action on the part of the Commission which would be acceptable would be disapproval in resounding terms so that the Director of Public Works would have no alternative but to disapprove the project, thus guaranteeing residents of Parkmerced an opportunity for

a meaningful hearing before the Board of Supervisors on appeal by the applicant. If the Commission were not willing to disapprove the subdivision, he indicated that he would request that the matter be continued; and he emphasized that action by the Commission could be delayed beyond March 1 with the approval of the Parkmerced Corporation. He remarked that other Bay Area communities have subdivision ordinances and, until such time as San Francisco has an up-to-date subdivision ordinance, the hearing before the City Planning Commission serves as the only point at which the public can be involved in subdivision proposals.

Rev. Edward Peet, President of the California Legislative Council for Older Americans, a member of the National Council of Elderly People, and a member of the Commission on Aging in San Francisco, stated that he had not been aware of the condominium subdivision proposal until a few days ago. He indicated that he has been a resident of Parkmerced for 6½ years; and he advised the Commission that many older retired people live in Parkmerced, possibly as many as 1/3 of the total population of the project. He stated that Parkmerced offers some security and a lot of green open space; and he remarked that such factors are of prime importance for older people. He also noted that Parkmerced is well served by public transportation which is an important convenience for older people. He agreed with the Director of Planning that this location of older people can be a very serious matter; and he stated that the older residents of Parkmerced do not intend to be forced out of their apartments. He indicated that he knows one woman in her 70's who has been a resident of Parkmerced for 21 years and has paid approximately $41,000 for her apartment during that time; and, if she were to purchase her apartment on a condominium basis, paying for it for the next 30 years, she will finally own the apartment when she is 100 years old. He also remarked that some tenants of Parkmerced had recently had their rental rates raised by $35, $40, and $50 a month while, at the same time, 200 garden apartments have remained vacant. The obvious intent of the owner of the project is to "make a big fat buck"; and he did not feel that the owner should be allowed to make a profit at the expense of residents of this city. He emphasized that the tenants of Park Chester in New York had filed a lawsuit against the developer and that they are firmly resisting condominium conversion of that project and questioning why the condominium units should cost so much; and in conclusion, he advised the Commission that older people do not want to have the responsibility of owning property.

James Ballard, President of the Teacher's Union of San Francisco, spoke as a resident of Parkmerced. He stated that he, also, had received a letter from the Parkmerced Corporation in November stating that it would keep him informed of any new developments; yet, he had heard nothing more from the corporation until he had received a letter on February 14 advising him that his lease would be renewed only on a month-to-month basis with a thirty-day cancellation clause, with a 17 1/2 percent rental increase, and with additional money being required for a security deposit. In his opinion, the owner of Parkmerced is engaged in a "white collar crime" and is trying to "rip off" the tenants of the project; and he believed that the results of the developers' efforts would have a bearing on life in the city as a whole. Mr. Ballard stated that he had chosen not to believe that large corporations have no concern for human interest and dignity. However, the owners of the Parkmerced Corporation appear to be carrying off one of the biggest

robberies he had ever seen in his life; and he was beginning to believe that some large corporations do not have any concern for human interest and dignity. As far as he was concerned, the corporation's action placing tenants on a month-to-month "lease" arrangement amounted to the same thing as putting a gun to the tenants' head and saying "buy up or get out." He remarked that it was now clear that tenants of Parkmerced must become organized; and he hoped that the Commission would help the tenants by disapproving the proposed condominium subdivision. He felt that the staff of the Department of City Planning had prepared an excellent report on the matter. However, he noted that the spokesman for the Parkmerced Corporation, while seeming to hedge, had actually said, "No" to some of the conditions which had been recommended by the Director; and, as a result, he felt that it would be very simple, clear, and correct for the Commission to disapprove the condominium subdivision.

Robert L. Dunlop stated that he supported the remarks which had been made by previous speakers in opposition to the condominium subdivision. However, he remarked that they had forgotten to mention the word "credibility"; and in his opinion, the present owners of the Parkmerced Corporation have no credibility whatsoever. He stated that leases held by tenants in Parkmerced state that the dwelling units will be repainted after five years; yet, one tenant who had requested repainting after eight years had been refused. He advised the Commission that the recreation director for the baseball field had been fired as an economic measure; and he remarked that it is very obvious that the lawns and the outsides of the buildings are not being well maintained. In addition, the corporation has decreased its security force. He had advised him that they would have to talk with the owner in New York before responding to his complaints.

Judge Joseph Karesh, a resident of Parkmerced, was recognized by President Newman and remarked that he was obviously opposed to the proposed condominium conversion; however, because he was a judge, he felt that he was under restraint and could not express how deeply he felt about the proposed project.

Daniel Del Carlo, also a resident of Parkmerced, stated that he, also had received a letter from the Parkmerced Corporation in November indicating that he would be kept advised of new developments; yet, not until yesterday had he learned from another source what was actually going on. He stated that residents of Parkmerced would not stand for the treatment they are receiving from the Parkmerced Corporation.

Peter Bogich, a resident of Parkmerced for 19 years, felt that the proposed purchase arrangements, as outlined during the meeting, in effect translated into an order to "buy or beware." He remarked that the walls of some of the buildings in Parkmerced cracked during the 1957 earthquake and he noted that the owners of the Parkmerced Corporation had given no indication that they intended to undertake any improvements before placing the dwelling units on the market.

Addie Rischin asked the Commission to consider the effect which the proposed condominium conversion would have on children in families who cannot afford to buy their apartments.

The Director noted that he had given his recommendation to the Commission at the beginning of the meeting; and he remarked that the Commission could act on his recommendation as presented, approve the project with stronger conditions, or disapprove the project. He indicated that he was particularly concerned that the conditions concerning the Human Rights Commission should not be modified even though the spokesman for the application had expressed some unwillingness to commit his client to those conditions. In conclusion, he remarked that if the Commission wished the matter to go to the Board of Supervisors, it should recommend that the Director of Public Works disapprove the subdivision condominium map so that the issue could be taken to the Board of Supervisors on appeal by the applicant.

President Newman asked for a clarification of the conditions which the developer would not be willing to accept.

The Director stated that the developer was apparently willing to accept the conditions relating to the existing open space and the shopping center; however, he indicated that he was not entirely sure of the developer's position relative to the other conditions.

Mr. Morgenstein, remarking on the other conditions, stated that the requirement to defer evictions or rental increases until the last two years of the projected condominium sales period seemed excessive; however, he stated that his client would be willing to discuss that matter with the Human Rights Commission. He stated that his client would be anxious to achieve flexible downpayment requirements; however, he emphasized that final decisions in that regard would rest with local financial institutions. He stated that his client would agree to initiate discussions with tenant groups as soon as possible as long as such meetings would not violate State law. With regard to the final condition recommended by the Director, to the effect that long-term and elderly residents should not be evicted in any case assuming their ability to pay market rents, Mr. Morgenstein stated that he did not believe that the condition would create a problem; however, since he had not had an opportunity to discuss it with his clients, he could not assure the Commission that his clients would have no objection to it. In conclusion, with regard to the issue of policing the conditions, he remarked that the Human Rights Commission could declare the developers to be in violation of the conditions if it should be found that the conditions were not being met.

Mrs. Peet asked if the Director, in recommending that long-term and elderly residents should not be evicted, had intended that those residents should be allowed to retain their leases instead of being placed on a month-to-month arrangement under which their rents could be raised each month.

The Director stated that his concern was that any rental increases be related to cost of living increases rather than being designed to force people out of the rental units. He emphasized that the City Planning Commission does not have the power to establish conditions which would be binding on the developer but acts only in an advisory capacity to the Director of Public Works who will make the final decision; and it was his recommendation that the Director of Public Works be advised that the condominium subdivision map would not be in conformity with the Master Plan unless the conditions which he had recommended were established.

Commissioner Porter stated that she intended to vote against the Director's recommendation. While she realized that the staff had put a great deal of effort into formulating conditions designed to ameliorate the impact of the condominium conversion, she believed that the conditions would be unenforceable and that they would afford no real protection whatsoever. Therefore, she moved that condominium subdivision map be disapproved. The motion was seconded by Commissioner Ritchie.

Commissioner Fleishhacker asked if the Commission could legally take such action. The Director replied in the affirmative. He indicated that the Commission might also wish to state that the condominium conversion would offer potential large-scale physical and social dislocation of people; and it might also wish to suggest that binding conditions similar to those which he had recommended be established by the Director of Public Works or the Board of Supervisors on appeal if the condominium subdivision were to be approved by either of those parties.

Commissioner Porter stated that she felt very definitely that Parkmerced should not be converted into a condominium; and, therefore, she did not wish to have any statement attached to the Commission's action which would imply that the condominium subdivision would be acceptable under certain conditions. She stated that she would still have voted against the project even if Mr. Morgenstein had agreed to all of the conditions which had been recommended by the Director.

Commissioner Ritchie stated that he agreed with Commissioner Porter. He then proceeded to read the following statement for the record:

> "During this meeting, I have written out a few remarks which I would like to read to you now. I would give these remarks the title:
>
> "'<u>Whatever happened to Parkmerced?</u>'
>
> "Many of us here remember those days when Parkmerced rose out of the ground, based on a plan to provide attractive rental units, both garden-type and high-rise in a landscaped setting for middle-income families of San Francisco.

"We also remember the long long period of waiting as tenants were attracted to the vacant units. I especially recall counting and recounting the great number of taped X's in the windows of each of the vacant apartments in the high-rise towers. It took a number of years to lease these. Then, finally, Parkmerced became occupied, and, as the years passed, it became a good project for its then owners and developers, the Metropolitan Life Insurance Co.

"In recent years, the Metropolitan Life Insurance Co. decided to offer this property for sale. I take it they had used up most of their depreciation. They made an effort to seek possible buyers. And they found a purchaser. The same buyer of several of their other similar properties in the East, in the New York area, Mr. Harry Helmsley of Helmsley-Spear & Co., of Manhattan (Park Chester, some 12,000 apartments and other projects from the Metropolitan Life Insurance Co.)

"Since the acquisition of this project by the new owners, it has apparently been determined that the best routes to make a substantial dollar killing out of Parkmerced is condominium conversion. In short, this is the best route to cut a fat hog. This is the intended objective, I suspect, and could result in the removal of the bulk of the profits of these sales from San Francisco to the New York area.

"I, for one, strongly object to such a prime regrettable major result to the once high hopes of having Parkmerced as a location and supply of attractive rental units for people of middle income in San Francisco.

"The need for rental units of this type is very great in the City today. The plan and atmosphere of Parkmerced as a planned community, offering attractive rental units, was the concept by which this all came about; and I do not believe that the type of occupancy should be changed there. That is to say, keep tenant-occupancy and no condominium conversion.

"The balance between open areas and buildings and other amenities of Parkmerced is considered good and constitutes one of its greatest assets. To destroy this balance by adding additional units would be to gradually convert Parkmerced to too much density.

"I object to the condominium-conversion of Parkmerced.

"I object to the construction of additional units in Parkmerced. Therefore, I am strongly opposed to the proposal before us today and will vote emphatically against it."

President Newman stated that he thought that the Parkmerced issue was one of the most major issues which had ever come before the City Planning Commission; and he remarked that it was likely that the Commission would have to deal with similar issues in the future. When condominium conversions are proposed, he felt that tenants should have rights; and, as a result, he believed that a condominium subdivision ordinance is urgently needed in San Francisco. He observed that Parkmerced is the largest residential development in San Francisco, housing 1% of the population of the city; and he noted that many social issues would be at stake if the condominium conversion were to proceed. He believed that tenants do have rights; and he believed that those rights were being usurped in the present case. Therefore, he felt that the issue should be heard by the Board of Supervisors, the highest legislative body in the city.

When the question was called, the Commission voted unanimously to authorize the Director to report to the Director of Public Works that the tentative subdivision map for Parkmerced, dated December 1973, is not in conformity with the Master Plan and should therefore be disapproved. Commission Rueda abstained from voting.

At 4:20 p.m. President Newman announced a ten-minute recess. The Commission reconvened at 4:30 p.m. and proceeded with hearing of the remainder of the agenda.

LM74.1 CONSIDERATION OF A PROPOSAL TO DESIGNATE THE MISH HOUSE, 1153 OAK STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), described the subject building and remarked on its architectural and historic characteristics.

Phillip Bill, the owner of the building, stated that he understood that Landmark designation would mean only that he would not be permitted to tear the building down without the approval of the Commission; and as a result, he was not opposed to having the building designated as a Landmark. He advised the Commission that he had searched unsuccessfully for financial assistance to aid in the restoration of Victorian buildings. In that regard, he noted that both the Mish House and the Phelps House, which has already been designated as a Landmark, are located between two proposed code enforcement areas; and he indicated that low interest loans for rehabilitation could be obtained if the buildings could be included in one of those code enforcement areas.

Commissioner Ritchie asked what steps are being taken to restore the Mish House. Mr. Bill replied that nothing is being done at the present time. He indicated that he would be interested in attempting restoration of the building; however, his partner felt that restoration was not feasible and believed that the building should be sold. In reply to further questions raised by Commissioner Ritchie, Mr. Bill stated that the Mish House is presently vacant and indicated that he did not know the value of the property since he had acquired it along with eight other parcels of property at an estate sale.

Commissioner Fleishhacker asked if the owner of the building would be in violation of the City Planning Code if vandals were to strip off elements of the facade after the building has been designated as a Landmark. Mr. Passmore replied in the negative.

After further discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that Resolution No. 7148 be adopted and that the proposal to designate the Mish House as a Landmark be approved.

LM74.2 CONSIDERATION OF A PROPOSAL TO DESIGNATE THE QUINN HOUSE, 1562 McKINNON AVENUE, AS A LANDMARK.

Robert Passmore, Planner V (Zoning) described the architectural and historic characteristics of the subject building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as a Landmark. He advised the Commission that the building is presently under condemnation; however, the City Attorney had advised that the building could still be designated as a Landmark.

President Newman asked if the owner of the building was present. Mr. Passmore replied in the negative and indicated that the present ownership of the building was not clear. He stated that the property may have reverted to Gibralter Savings and Loan; and, if so, that organization had indicated that it would support the proposal for designation of the building as a Landmark.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that Resolution No. 7149 be adopted and that the proposal to designate the Quinn House as a Landmark be approved.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the minutes of the meeting of November 8, 1973, be approved as submitted.

CURRENT MATTERS

The Director advised the Commission of matters which were being considered that afternoon by the Planning, Housing and Development Committee of the Board of Supervisors.

The Director informed the Commission that the full Board of Supervisors, meeting next Monday, will hear the appeal of the Commission's recent approval of the conditional use medical office building for St. Mary's Hospital.

The Director reminded members of the Commission that a field trip will be scheduled next Thursday at 1:00 P.M. to visit properties which will be considered during the Zoning Hearing to be held on March 7, 1974.

The Plan Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) agreed to meet next Friday, March 1, at noon to discuss the March 7 Zoning cases.

The Director reported that the State Compensation Insurance Fund is proposing to construct an office building at Ninth & Market Streets which would have 100 more parking spaces than would be permitted without conditional use approval by the Commission. Representatives of the fund had claimed that the organization is a State agency and that it is therefore exempt from local zoning requirements; and they had indicated that they will not file a conditional use application. The staff of the Department of City Planning was of the opinion that the fund is not a State agency in a complete sense, since it functions as any other private insurance carrier does and since a local building permit is required; and the staff had advised the fund that their building permit application will not be approved if it calls for additional parking spaces which have not been approved by the City Planning Commission as a conditional use.

The Director continued his report with the following statement:

> "The Commission has received two letters dated February 19, 1974 from Kent Storey, Vice President (merchants) of the Haight-Ashbury Improvement Association, requesting discretionary review of applications for a second hand dealer (household items) at 1612 Haight Street and for a second dealer (art goods) at 1732 Haight Street.
>
> "These applications have been referred to this Department by the Police Department for review under the Planning Code. A second hand dealer is a permitted use in the C-2 district, the zoning classification of the two subject properties. Prior to receipt of the letters the Department had approved the proposal for 1732 Haight Street; the 1612 Haight Street proposal, which could otherwise be approved, is being held because of the received letters.
>
> "Second hand dealer applications are reviewed by the Police Department in a public hearing; review by the Planning Commission appears unnecessary. I recommend that the Commission <u>not</u> review the subject applications."

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the request from the Haight-Ashbury Improvement Association for discretionary review of applications for secondhand dealers at 1612 and 1732 Haight Street be denied.

The Director recommended the adoption of a draft resolution which would authorize him to prepare and submit a supplemental appropriation request in the amount of $50 for the current fiscal year and a supplemental budget request in the amount of $160 for the next fiscal year to provide funds to enable the Department to pay for use of employees' automobiles at the new rate which has been established by the Board of Supervisors. After discussion it was moved by Commissioner Rueda, seconded by Commissioner Farrell, and carried unanimously that the draft resolution be adopted as Resolution No. 7150.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

2/28/74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 28, 1974.

The City Planning Commission met pursuant to notice on Thursday, February 28, 1974, at 100 Larkin Street at 1:00 P.M.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director (Zoning Administrator); Richard Hedman, Planner V - Urban Design; Marie Zeller, Planner III - Administrative; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Larry Liebert represented the San Francisco Chronicle; and Sanna Craig represented the San Francisco Bay Guardian.

1:00 P.M. Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on March 7, 1974.

2:15 P.M. - 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meetings of January 10 and 14, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reminded the Implementation Committee (Commissioners Fleishhacker, Rueda, Porter) of a meeting scheduled tomorrow, March 1, at 12:00 noon.

The Director distributed a revised listing of committees of the Commission reflecting regular meeting days which had been agreed to by individual members of the Commission. He indicated that a proposed amendment of the Rules and Regulations of the Commission to establish those regular meeting dates would be calendared for consideration by the Commission at its meeting next week.

Richard Hedman, Planner V - Urban Design, reported on the status of protected Residential Area plans for the Inner Richmond District, the Inner Sunset District, and the Mission District. Following his presentation, he responded to questions which were raised by members of the Commission.

The Director summarized a memorandum which he had prepared for the Bay Conservation and Development Commission's Waterfront Advisory Committee concerning proposed development guildelines for the Northern Waterfront. The memorandum, entitled "Proposed Guidelines for Areas 'C' and 'D'" and dated February 21, 1974, is available in the files of the Department of City Planning. After completing his summary of the memorandum, the Director remarked that the position taken by the staff in the memorandum was totally consistent with the Northern Waterfront Master Plan and with other policy positions which had been taken by the Commission in the past; however, he indicated that many of the members of the Bay Conservation and Development Commission's Waterfront Advisory Committee did not agree with the position which had been taken by the staff. The staff had taken the position that residential and office uses might be appropriate in the Northern Waterfront; but many members of the committee had disagreed and had taken the position that such uses would not be permitted by the Bay Conservation and Development Commission's plan. President Newman, who is a member of the Committee, confirmed that both he and the Director had consistently represented the policies of the Commission as expressed in the Northern Waterfront Master Plan.

President Newman remarked that several members of the Commission, during last week's meeting, had expressed the opinion that San Francisco should have a condominium subdivision ordinance; and they had requested the Director to comment on that subject during the present meeting. The Director stated that San Francisco has not had a real subdivision ordinance for a number of years; and he remarked that many people have been of the opinion that a subdivision ordinance is not needed because San Francisco is already subdivided. He indicated, however, that work has been done on a subdivision ordinance under the auspices of the City Attorney's Office; but the last draft of that ordinance which he had seen had not contained provisions relating to condominium subdivision. He stated that preparation of the ordinance had been given low priority, probably because of the general feeling that the City is already subdivided. If a condominium subdivision ordinance were to be prepared or if the draft of the subdivision ordinance in preparation were to be expanded to cover condominiums, a considerable amount of work would be required either by the staff of the Department of City Planning or the staff of the City Attorney's Office. He stated that he had requested subdivision ordinances from other communities, including the draft of the subdivision ordinance which is being prepared for Marin County; and he indicated that he would advise the Commission of their availability when they have been received. If a condominium subdivision ordinance were to be prepared for San Francisco, he felt that there was no doubt that the staff of the Department of City Planning should be involved in the project; yet, given the present work program of the Department, including an increased number of Environmental Review projects and the projected City-wide Comprehensive Residential Zoning Study, he felt that it would be impossible for the staff to begin work on a condominium subdivision ordinance at this time. After discussion, the Commission requested that the Director determine what would be involved in preparation of a condominium subdivision ordinance or a

general subdivision ordinance, that he obtain copies of such ordinances from other communities, and that he report back on this matter in four weeks.

The Commission requested that they be advised of the details of their responsibility for filing financial disclosure statements in April at next week's meeting.

R73.59 - SIDEWALK EXTENSIONS ON WOODLAND AVENUE AT PARNASSUS AVENUE.

The Director reported on this matter as follows:

"Woodland Avenue starts at Parnassus and ascends to Willard Street, Belmont and Edgewood Avenues, streets noted for their verdant character. Woodland has a 60-foot right-of-way, 40-foot road and 10-foot sidewalks. The proposal is to widen the sidewalk to 18 feet at Parnassus, permitting double rows of trees and creating a gateway reflective of the wooded environment above. The easterly extension is 44 feet long, the westerly is limited to 19 feet due to garages in the corner building.

"The Woodland Avenue Association is sponsoring this beautification project, and is raising funds to pay for part of it and will do some of the construction, such as tree planting and setting bricks. The City is contributing the cost of installing the new curbs, cutting holes for the trees, and conventional sidewalks. The neighborhood will maintain the trees.

"This type of improvement is consistent with the objectives for neighborhood environment and the protected residential areas concept of the Urban Design Plan."

At the conclusion of his report, the Director recommended that he be authorized to report to the Director of Public Works that the sidewalk extensions on Woodland Avenue at Parnassus are in conformity with the Master Plan.

President Newman asked who would be responsible for maintaining the expanded sidewalks. Commissioner Mellon replied that abutting property owners are responsible for sidewalk maintenance.

Commissioner Rueda remarked that the proposed project would result in the removal of existing on-street parking spaces.

Mike Tudury, representing the Woodland Avenue Association, displayed and described a rendering which he had prepared of the proposed project. He confirmed that the project would result in the removal of five on-street parking spaces; however, in view of the neighborhood's proximity to the University of California Medical Center, residents of the area were convined that even the addition of 100 on-street parking spaces would not solve the parking problems in the neighborhood.

President Newman asked if the owners of properties abutting the sidewalks which would be widened were in favor of the project. Mr. Tudury replied that three of the abutting owners had agreed to the project; however, the owner of the apartment building on the corner was not pleased with the plan because she does not like trees. Mr. Tudury remarked that the apartment building is out of scale with the rest of the neighborhood; and he believed that the trees which would be planted would soften the impact of that building.

Commissioner Porter asked if the owner of the apartment building would have to pay a share of the cost of the project. Mr. Tudury replied in the negative, stating that the cost of the project would be assumed only by individuals who wished to participate.

Commissioner Rueda inquired about the purpose of the proposed project. The Director replied that the apparent purpose of the project was to discourage traffic generated by the University of California Medical Center from using Woodland Avenue by creating a protected residential area.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that the Director be authorized to report to the Director of Public Works that the sidewalk extensions on Woodland Avenue at Parnassus, as shown on Bureau of Engineering Drawing Q-20-292, is in conformity with the Master Plan.

R74.2 - ESTABLISHMENT OF SIDEWALK WIDTH ON FRONT STREET AT VALLEJO STREET.

The Director reported on this matter as follows:

"The Director of Public Works proposes to establish an official sidewalk width of 11.46 feet on the east side of Front Street between Vallejo and Green Streets, and requests the Commission's report as to Master Plan Conformity.

"There has been no sidewalk on this block in the past. Formerly an area of warehouse and industrial uses, the roadside was devoted to a railroad spur. A sidewalk is to be installed with the Master Charge office building being built on this block. It will conform to the prevailing sidewalk width on Front Street and other streets in the vicinity. One sixth of the width of the right-of-way is 11.46 feet, and the roadway amounts to two thirds of the right-of-way (68' - 9")."

At the conclusion of his report, the Director recommended that establishment of the proposed official sidewalk width be approved as in conformity with the Master Plan.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Mellon, and carried unanimously that the Director be authorized to report that the establishment of the official sidewalk width of 11.46 feet on the east side of Front Street between Vallejo and Green Streets is in conformity with the Master Plan.

The meeting was adjourned at 3:40 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 7, 1974.

The City Planning Commission met pursuant to notice on Thursday, March 7, 1974, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell and John Ritchie, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, Thomas J. Mellon, and Hector E. Rueda, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Richard Gamble, Planner IV; William Duchek, Planner III; Paul Rosetter, Planner II; Wilbert Hardee, Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Eileen Maloney represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the minutes of the meeting of February 7, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that Conditional Use Application No. 74.3, involving a request for authorization for a car wash at 24th and Diamond Streets, had erroneously been advertised for hearing at this meeting. The staff had made a determination that an Environmental Impact Report would be required for this project; and that determination had been appealed. The appeal will be heard on March 21 at 3:00 p.m.; and the Conditional Use Application cannot be heard until the Environmental Impact Report matter is resolved. After discussion, it was moved by Commissioner Farrell, seconded by Commissioner Porter, and carried unanimously that action on the conditional use application be postponed until the Environmental Impact Report matter is resolved.

The Director then read the following statement:

"As Mr. Steele reported to the Implementation Committee last Friday the Department expects that between 40 and 50 family care homes that have been operating without the conditional use authorization acquired under the City Planning Code will, during the coming months, be filing conditional use applications to legalize their existence. These homes have been operating for some time, and in most cases are small in size. Mr. Steele suggested to the Committee that it might be appropriate to process this large number of potential applications in the same fashion used a few years ago for applications to extend the expiration period for a number of non-conforming uses. This procedure entails authorizing the Zoning Administrator to conduct the initial public hearings on the conditional use applications at a time and place to be determined by him. The hearings are then continued to a regular meeting of the Commission, at which time he reports his findings from the initial hearings. The Commission may at that time take additional testimony, and would then make their decision on each application.

"A resolution to authorize this process had been prepared for your convenience if you feel that this process it appropriate."

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7151.

The Director contined his report with the following statement:

"The Environmental Impact Report for the Wastewater Master Plan is being handled jointly by the Dept. of City Planning and the Environmental Protection Agency because Federal funding of the first stage of the project involves compliance with the National Environmental Policy Act as well as the usual compliance with the California Environmental Quality Act. The variety of Federal, State and City deadlines for this joint EIR-EIS make it desirable to schedule the joint DCP/EPA public hearing in advance of presentation of this EIR to the Planning Commission so that there is adequate lead time to incorporate public comments and responses thereto in the final document. I would like the Commission to authorize the Environmental Review Officer to conduct a joint public hearing with EPA 30

days after publication of notice that the draft is complete (March 15). The record would remain open for another 15 days, as legally required, and the EIR-EIS and a report on the hearing would then be presented to the Commission at the first meeting after the required 45 days from publication elapse."

After discussion, it was moved by Commissioner Farrell, seconded by Commissioner Porter, and carried unanimously that the Environmental Review Officer be authorized to conduct a joint public hearing with the Environmental Protection Agency as recommended by the Director.

The Director reminded the City Wide Comprehensive Plans Committee (Commissioners Newman, Mellon, and Ritchie) of a meeting scheduled next Thursday, March 14, at 12:00 noon.

CONSIDERATION OF AMENDMENTS TO SECTIONS 1, 3,4 AND 5 OF ARTICLE IV OF THE RULES AND REGULATIONS OF THE CITY PLANNING COMMISSION.

The Director stated that the proposed rule changes had been mailed to individual members of the Commission; and he remarked that the purpose of the rule changes was to establish regular meeting dates for the various committees of the Commission. The Secretary pointed out a clerical error in which the word "Committee" was used redundantly; and he recommended that the word be deleted from the draft of the proposed rule changes. After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the draft of the proposed amendments of Sections 1, 3,4 and 5 of Article IV of the Rules and Regulations of the City Planning Commission, as amended, be approved.

R73.57 - LAND ACQUISITION FOR MUNICIPAL RAILWAY TRANSFORMER STATIONS.

Richard Gamble, Planner IV, reported on this matter as follows:

"The modernization of the Municipal Railway involves location of additional transformer substations to meet the increased power needs of the new Muni-Metro system. Six sites are required. Three of the proposed sites are located in open space zones and are undergoing further study to consider alternate locations and design solutions compatible with the open space functions. These will be submitted to the Commission after they have completed the environmental review process.

"The three under consideration today are 2708 Judah Street, 2219 Taraval and in the middle of Block 678 bounded by Sutter, Steiner, Bush and Fillmore Streets.

"1. 2708 Judah Street is 25 x 100' lot 32.5 feet west of 32nd Avenue in an R-3 zone, currently occupied with a one-story office building. To the east is a two-family dwelling on the corner lot and neighborhood shopping in the next block. To the west are two- and three-story multi-family dwelling structures. Most have a setback of about ten feet.

"The Public Utilities Commission assures us that the structures will be of solid masonry and concrete construction and of architectural character compatible to the neighborhood, and that landscaping and an off-street parking space will be provided. The building will be 25 x 60 feet, one story with a 16-foot high ceiling. The design of the structure will have to be approved by the Art Commission.

"The zoning (R-3) permits public buildings of non-industrial character provided they are found to be in conformity with the Master Plan. The substation would be made sufficiently soundproof and will have appropriate architectural and landscape treatment, and thus qualifies as having 'non-industrial character.' The Urban Design Plan Principle 24 for Neighborhood Environment says, 'Public buildings can contribute to neighborhood appearance if they are well-designed, attractively painted and generously landscaped.' Additionally, the Mass Transit Plan Objective 1 is to 'Give first priority to improving transit service throughout the City.' This public building is being located according to the functional needs of the transit system and will be appropriately designed for a residential area and thus will be in conformity with the Master Plan.

"2. 2219 Taraval is a vacant lot, the westerly half of a defunct garden nursery business, measuring 25 x 100' and located 57.5 feet west of 32nd Avenue on the south side of the street. It is in a C-1 zone. The same considerations apply as in the R-3 zone. Commercial structures occupy most of the frontage along the block, with no setbacks. The PUC proposes the same size structure as on Judah Street.

"3. Center of Block 678 (Sutter Substation). This is in the A-2 redevelopment project. All of the properties on the southern half of this block are scheduled for clearance and development with high density residential use. The Redevelopment Agency is amenable to selling this mid-block site with the understanding that the substation would be underground and that the ground surface would be landscapable and used as open space for the residential development. The only above-ground facilities would be the ventilation shaft, access hatches, and stairs, and a driveway to Fillmore Street. The zoning is C-2."

The Director recommended that acquisition of the three sites be approved as in conformity with the Master Plan.

President Newman inquired about the purpose of the new transformer substations. Leonard Jeffers, representing the Public Utilities Commission, stated that the purpose of the new transformer substations is to provide better voltage to serve the new rail cars which have been ordered by the City.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the Director be authorized to report that the acquisition of Lot 12, Block 1787 (Judah Site), Lot 46, Block 2793 (Taraval Site), and a site in the middle of Block 678 (Sutter Site), as shown on PUC Drawing A-1301 for Municipal Railway Transformer Substations, is in conformity with the Master Plan.

ZONING HEARING

CU74.4 - 1754 FELL STREET, NORTH LINE, 128.25 FEET EAST OF ASHBURY STREET.
REQUEST FOR AUTHORIZATION FOR A PHILANTHROPIC OR ELEEMOSYNARY INSTITUTION TO PERMIT CONTINUED OCCUPANCY OF THE SUBJECT BUILDING BY THE SAN FRANCISCO DRUG TREATMENT PROGRAM, INC.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular lot with a 25-foot frontage on Fell Street and a depth of 137.5 feet for a total area of 3,437.5 square feet. He stated that the building occupying the site is occupied by the San Francisco Drug Treatment Program; and he indicated that the applicant was requesting per-

mission to continue the present use. In conclusion, he stated that the density provisions of the R-3.5 district would permit a maximum of six dwelling units on the subject property.

Philip S. Warden, Attorney for the applicant, stated that he knew of no opposition to the application.

Terry Burris, Director of the San Francisco Drug Treatment Program, summarized the history of his organization. He advised the Commission that the house occupying the subject property had been vacant for six years prior to being occupied by his organization; and he indicated that the structure had been repaired and renovated to accommodate the present use. He stated that he had been advised in July, 1973, that the use was in violation of the City Planning Code and that a cease and desist order would be issued. The only alternatives available to him were to file a Conditional Use Application to legalize the use or to relocate to a new site in a commerical district. Because of the difficulties involved in relocation, he had chosen to file the Conditional Use Application. He stated that his organization deals primarily with out-patient services and that an average of only 30 clients visit the premises during a work day. He advised the Commission that no property owners within a 300-foot radius of the subject site had complained about the use; and, in fact, many of the resident owners, as well as residents, had pledged their support to the application. In addition, the application was supported by the Haight Ashbury Merchants Improvement Association, the Haight Ashbury Neighborhood Council, the John Hale Health Plan, the Department of Youth Authority, the San Francisco Adult Probation Department, the Catholic Social Service, and many other local organizations. Also, 150 people, none of them clients of the program, had signed a petition in favor of the application. He urged that the application be approved.

President Newman asked if anyone was present to speak in opposition to the application and received a negative response. He then asked for a show of hands of people present in the meeting room in support of the application; and approximately 30 people responded.

Allan B. Jacobs, Director of Planning, stated that the San Francisco Drug Treatment Program fulfills a unique medical and social service for residents of the subject neighborhood; and he remarked that the use has been located on the subject property for three years and is known to the community. He felt that the building provides an excellent location and facility for the San Francisco Drug Treatment Program; and he believed that the program would not generate any substantial automobile traffic because it is neighborhood-oriented. He stated that the exterior of the building has not been and would not be significantly altered by the use; and, therefore,

ANNUAL IMPROVEMENT PROGRAMMING
(Final Report)

Community Improvement Programs
and Policies
1973 - 74

Office of the Mayor
March 15, 1973

its residential character would be preserve. He also noted that the application had been supported by residents of the neighborhood. Therefore, he recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Burris replied in the affirmative.

Commissioner Porter inquired about the length of time that the Drug Treatment Program has been in operation. Mr. Burris replied that the Drug Treatment Program has been in operation in the Haight Ashbury District for 6 years but has occupied the subject property for only 3 years.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7152 and that the application be approved subject to the conditions which had been recommended by the Director.

EE74.23 - APPEAL OF A DETERMINATION BY THE DEPARTMENT OF CITY PLANNING THAT AN ENVIRONMENTAL IMPACT REPORT WILL BE NECESSARY FOR THE CONDITIONAL USE APPLICATION REQUESTING AUTHORIZATION FOR A MORTUARY ESTABLISHMENT AT THE SOUTHEAST CORNER OF MEADE AVENUE AND THIRD STREET, IN A C-2 DISTRICT.

Wilbert Hardee, Planner II, reported on this matter and gave the reasons for the staff's determination that an Environmental Impact Report would be necessary for the project. He also advised the Commission that the Department of Public Works had subsequently made a determination that the proposed project would not have a detrimental effect on traffic in the area.

Allan B. Jacobs, Director of Planning, made the following statement:

"As has been indicated, we were concerned about several factors in the initial evaluation of environmental impact of the proposal. Cumulatively these indicated a questionable situation. Since that time, further study and discussion has resulted in the conclusion that if the traffic hazard which I do believe exists at the corner of Meade and Third is alleviated, and it appears that this can be accomplished, I feel the impact,

though still adverse to a degree, is not sufficiently adverse to be considered significant. I would therefore recommend that the Commission find proposal, as it now stands, could not have a significant impact upon the environment and order a Negative Declaration be issued."

Mrs. Clemens, 3538 Jennings Street, stated that she was opposed to the project.

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie and carried unanimously that Resolution No. 7153 be adopted with the following resolve: "Resolved that the City Planning Commission hereby finds that the proposed project could not have a significant effect on the environment and does hereby overrule the determination of the Department of City Planning and order issuance of a negative declaration."

A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

CU74.5 - THIRD STREET SOUTHEAST CORNER OF MEADE AVENUE REQUEST FOR AUTHORIZATION FOR A MORTUARY ESTABLISHMENT; IN A C-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular corner parcel with 100 feet of frontage on Third Street and 102 feet of frontage on Meade Avenue for an area of approximately 10,000 square feet. The applicant proposed to construct a new mortuary establishment on the site as a relocation facility for the existing Bayview Mortuary located at 5107 Third Street. A parking lot for 11 automobiles would be located at the rear of the property with access from Meade Avenue; and the applicant had proposed certain traffic modifications in the area which would have to be approved by the Department of Public Works.

Carl A. Scholz, Architect for the applicant, remarked that the Commission had disapproved a previous application for a mortuary on the subject site on March 1, 1973; and he indicated that the traffic plan for the proposed facility had been changed during the interim. He stated that he had worked with the Department of Public Works to develop a traffic plan which would involve proper signing and installation of traffic barriers; and he believed that those measures would alleviate any traffic problems which might be caused by the facility. He emphasized that mortuary traffic

proceeds at a slow and careful pace; and he remarked that the volume of business done by a mortuary is limited and somewhat predictable. He stated that the use would not be highly visible; and he indicated that he would be willing to answer any questions which might be raised by the Commission.

Alec Pitcher, Executive Director of the Model Cities Housing Program and formerly Chairman of the Bayview-Hunters Point Coordinating Council, stated that the Coordinating Council had approved establishment of a mortuary on the subject property. He advised the Commission that the operator of the mortuary has a good reputation in the community and has operated the only mortuary in the area thus far. However, additional space is needed for the mortuary operation; and, in order to provide that additional space, he urged that the subject application be approved.

Reverend Bedford of the Mascedonia Missionary Baptist Church and a member of the Human Rights Commission stated that the operator of the mortuary is a Christian businessman with a good reputation in the community; and he felt that the Commission should approve the subject application.

Eloise Westbrook, a resident of the subject neighborhood, remarked that the Commission seemed all too willing to allow "automobile mounds" to be established in the neighborhood; yet, whenever people try to beautify the area, they tend to meet opposition. She stated that the area needs new businesses; and the race of the people bringing in the new businesses made no difference as long as the subject neighborhood begins to look like other parts of the city.

E. James Edner, Pastor of a Methodist Church in the neighborhood, stated that he was in favor of the subject application.

A representative of the Bayview-Hunters Point Office of the Economic Opportunity Council felt that everyone in the community was in support of the application. The operator of the mortuary had helped the neighborhood to obtain a new school; and now the neigborhood is trying to lend him a helping hand.

Reverend Drummel, representing a baptist organization, stated that he had been sent to support the subject application.

Mrs. Clemens, 3538 Jennings Street, stated that she had been concerned about the traffic which would be generated by the proposed facility; however, having heard the comments which had been made by previous speakers, she had changed her mind and was now in favor of the applicant's proposal.

Allan B. Jacobs, Director of Planning, stated that there is a need for modern mortuary service in the subject neighborhood; and he remarked that the proposed mortuary would be located on a site which is sufficiently isolated from residential uses. He stated that the design and layout of the proposed building was such that the business would be well-screened from public view; and he believed that the traffic activity resulting from the proposed use should not create any conflicts which would unreasonably affect traffic flow in the vicinity. Therefore, he recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

President Newman asked if the conditions which had been recommended by the Director would be satisfactory to the applicant. Gary Moss, Attorney for the applicant, replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7154 and that the application be approved subject to the conditions which had been recommended by the Director.

CU74.6 - 5 WOOD STREET, WEST LINE, 422.4 FEET NORTH OF GEARY BOULEVARD.
REQUEST FOR AUTHORIZATION FOR AN ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION. THE APPLICATION PROPOSES A MEMORIAL TO THE HINDUSTAN GADAR PARTY WHICH WILL CONSIST OF A MUSEUM AND A LIBRARY AND WILL BE USED FOR EDUCATIONAL PURPOSES; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular parcel with 49.9 feet of frontage on Wood Street, a width of 67.7 feet along the rear property line, and a depth of 125 feet for a total area of 7053.5 square feet. The property, which is vacant, is owned by the Government of India. The Consulate General of India, in the name of and on behalf of the President of India, had filed the subject application which requested authorization to construct a one-story building above a garage for 8 automobiles to house a memorial to the Hindustan Gadar Party which will consist of a museum and library and office to be used for educational purposes.

R. C. Arora, Consul General of India, stated that he, as well as the President and Prime Minister of India, felt strongly about the importance

of the proposed project. He stated that the Hindustan Gadar Party was formed approximately 50 years ago when India was planning to effect its independence from the British. He remarked that it is an unusual situtation for a political party to be formed thousands of miles away from the country with which it is concerned; and he felt that it was a tribute to the United States that it had permitted the party to be formed. He stated that the Indian Government had given a considerable sum of money to be used to build a memorial to the Gadar Party; and the memorial would also serve as a symbol of friendship between India and the United States. He indicated that the memorial which had been planned would be small and would not use most of the space available on the site. He believed that the facility would enhance the aesthetic value of the neighborhood; and it would provide the area with a library and a park. He advised the Commission that the site will be landscaped to the satisfaction of the Department of City Planning. In conclusion, he stated that the proposed building had been designed for free by the architectural firm of John Portman and Associates; and he indicated that an architect from India is also working on the project.

President Newman asked about the type and number of visitors which might be expected to visit the proposed facility. Mr. Arora replied that it was really too early to estimate the number of visitors which might be attracted to the memorial; however, he expected that the facility would be visited by people from India, by Indians from the Bay Area, and by people who have an interest in India. He did not believe that the memorial would be visted frequently.

President Newman then inquired about the size of the memorial's staff and asked how many days a week the facility would be open to the public. Mr. Arora replied that present plans call for the memorial to be open only on weekends. The facility would have no permanent staff but would rely on volunteers.

Commissioner Farrell suggested that a watchman should be hired if the museum is to contain valuable artifacts. Mr. Arora responded that a burglar alarm system was being considered.

President Newman advised the Commission that several letters had been received in support of the subject application and that one letter had been received in opposition to the proposal.

Gerson Biskind, 77 Lupine Avenue, stated that he had discussed the proposed project with Mr. Arora on several occasions; and he felt that the proposed building would be a fine addition to any neighborhood. Since the facility would only be open two days each week, he did not anticipate any parking problems, especially if the facility were to be open only on weekends when the Fireman's Fund Insurance Company offices are closed.

Bernard Kernfeld, Corresponding Secretary of the Laurel Heights Improvement Association, stated that he had written a letter in support of the application. He had also sent letters to 28 property owners in the area; and, with one exception, they had all been in support of the applicant's proposal. He felt that 8 parking spaces should be sufficient for the proposed use; and he noted that the proposed building would be well within the height limit which applies to the subject property.

Mr. Lenhart, a resident of Wood Street, spoke in opposition to the application. He believed that the proposed facility would have a very substantial impact on a relatively secluded and quiet residential area. He remarked that Wood Street is an inconvenient thoroughfare for through traffic insofar as such traffic must make four right turns; and, as a result, access to the facility would be difficult. He informed the Commission that most of the people living on Wood Street were opposed to the application because they believed that it would create a parking problem.

Renetta Southcott, owner of property at 11 Wood Street, stated that she had submitted a petition with 40 signatures in opposition to the subject application. She stated that the people who had signed the petition wished to preserve the R-2 residential character of the neighborhood; and they felt that the subject application should be disapproved. If the subject application were to be approved, she did not believe that 8 off-street parking spaces would be sufficient; and, in conclusion, she advised the Commission that the property has not been well-maintained in the past.

Commissioner Ritchie remarked that it seemed to him that a new building which would be used only a couple of days each week would be preferable to a vacant lot which has not been well-maintained.

Mrs. Southcott replied that foreign governments, as well as individuals, must be judged on their past record; and, since the Government of India had failed to maintain the vacant lot properly, she felt that there was reason to doubt that the proposed building would be adequately maintained. She noted that Mr. Arora had stated that there was not a great deal of money available for the proposed facility; and, that being the case, she wondered how much would be spent on maintenance. She was also concerned about the fact that no watchman would be employed for the facility. While disapproval of the application might cause bad feelings between the United States Government and the Government of India, she felt that it would still be desirable for the Commission to disapprove the application.

Freda Lerch, 29 Lupine Avenue, noting that Mr. Arora had stated that the facility would be open only two days a week, asked if the Commission could establish a condition limiting the operation to that extent. President Newman replied in the affirmative and asked if approval of the application would be satisfactory to Mrs. Lerch if such a condition were to be established.

Mrs. Lerch replied that she had no objection to the proposed building per se; however, if the application were to be approved, she felt the building should be allowed to be open only two days a week and that more than 8 off-street parking spaces should be provided.

Allan B. Jacobs, Director of Planning, stated that the proposed museum and library would provide a needed cultural institution for San Francisco's Indian community; and he noted that the subject site is of particular historic significance to the Hindustan Gadar Party. He believed that the 8 off-street parking spaces proposed would be sufficient to meet the demand which would be generated by the use as described; and he remarked that the appearance and function of the proposed building would be compatible with the character of the neighborhood. Therefore, he recommended that the application be approved subject to five conditions, as follows:

1. The proposed building shall be constructed in general conformity with the preliminary plan titled: "Gadar Memorial Building for the Indian Government" dated January 17, 1974 on file with this application marked "Exhibit A".

2. Signs, if any, shall be limited to one identifying sign in compliance with Section 606 (b) of the City Planning Code.

3. Occupancy of said building shall be limited to museum and library purposes and shall not involve the conduct of educational classes and other activities resulting in large groups of people in the building at any one time.

4. Said building shall be open to the general public only two days per week; however, upon specific appointment, the building may be open to small groups at other times between the hours of 10:00 a.m. and 10:00 p.m.

5. Landscaping shall be installed and maintained in conformity with plans on file or developed in cooperation with the Department of City Planning.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Arora replied in the affirmative. With regard to the issue of parking, he indicated that he had consulted experts who believed that the 8 off-street parking spaces being proposed would be sufficient. He admitted that the property had not been maintained as well as it should have been in the past; however, he assured the Commission that the proposed facility would be well maintained. He believed that the proposed building would add to the aesthetic value of the community.

President Newman recommended that a burglar alarm system be installed in the building. Mr. Arora replied that such a system would be installed.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie and carried unanimously that Resolution No. 7155 be adopted and that the application be approved subject to the conditions which had been recommended by the Director.

ZM74.2 - 366 - 9TH STREET, SOUTHWESTERLY CORNER OF SHERIDAN STREET.
M-1 TO C-3-S WITH CONSIDERATION TO BE GIVEN TO C-M, ALSO.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an L-shaped corner lot with an area of 2,703 square feet. He stated that a portion of the subject property is presently occupied by a 40-unit motel with a restaurant; and the remainder of the site is presently used for parking. The applicant had requested that the property be re-zoned to C-3-S or C-M so that the remainder of the property could be developed with 9 additional motel units. Mr. Steele stated that the subject property is located in an M-1 district which is developed with a mixture of industrial, manufacturing and warehouse uses and non-conforming dwellings; and he indicated that the nearest C-3-S or C-M district is located one block to the north of the site.

Fred Campagnoli, Attorney for the applicant, stated that construction of motel rooms is not permitted in an M-1 district; and, therefore, his client had requested that the subject property be reclassfied so that the nine additional motel units could be constructed. He remarked that the

subject property is located only one block from the Bay Bridge and the Ninth Street freeway off-ramps; and, as a result, it is a logical location for a motel facility. The original facility was constructed prior to 1960 and presently has legal non-conforming use status. He informed the Commission that the motel is presently using all of the subject property as well as an additional lot which had not been included in the subject application. While the subject block is zoned for light industrial use, 26 of the 52 parcels in the block are occupied by frame dwellings. Furthermore, no new construction has taken place in the block since 1960 which could be considered to be light industrial in character; and, in view of the number of vacancies in the area, there appeared to be little need for the present industrial zoning. He believed that the addition of 9 motel units would improve the neighborhood; and he did not feel that approval of the subject application would result in an unconscionable violation of the City Planning Code. He remarked that the subject property is located near the proposed Yerba Buena Center which will create a need for additional motels and hotels; and he emphasized that the property is located only one and one half blocks from C-3-S and C-3 districts in which motels are permitted as a principal use. The new motel rooms being proposed would add additional ad valorem taxes, they would add to hotel tax revenues, and they would provide additional employment. As a result, he felt that the favorable aspects of the project far out-weighed the objection of the technical spot-zone.

No one else was present to speak in favor of or in opposition to the subject application.

Allan B. Jacobs, Director of Planning, remarked that the predominant development in the subject neighborhood is light industry and warehousing with the exception of some residential uses, particularly in mid-block areas. He stated that the present legally existing non-conforming use motel could continue to exist with no expiration date. Reclassification of the property would grant to the applicant and to his property a property right and privilege not available to other properties located in a similar situation in the area; and, for that reason; the reclassification would constitute a spot-zone of questionable legality. He remarked that the applicant had not shown any way in which public necessity, convenience or general welfare would benefit from the requested reclassification. For those reasons, he strongly recommended that the application be disapproved.

President Newman stated that it seemed to him that the improvements planned by the applicant were reasonable; and he felt that the expansion project should be permitted as a matter of equity. He asked if there were any way that the expansion project could be permitted without the requested re-zoning. The Director replied in the negative.

Commissioner Ritchie stated that he had been surprised to hear the Director's negative recommendation. He remarked that the subject neighborhood used to be clearly industrial in character; however, the area has changed as many industries have left San Francisco. He noted that one of the anchors of the neighborhood is the Western Furniture Mart which is located at Ninth and Market Streets; and he remarked that several motels had been constructed to serve salemen visiting that facility, one of the best of which was the one presently under consideration. He felt that the subject motel had contributed substantially to the up-grading of the neighborhood; and he did not believe that the applicant's proposal to add a small number of rooms to the motel was at all unreasonable. He stated that he did not believe in tying people's hands when they are trying to improve their businesses, especially when the businesses involved are an asset to their neighborhood; and, for that reason, he moved that reclassification of the property to C-M be approved.

The motion was seconded by Commissioner Porter. She stated that she agreed with the comments which had been made by Commissioner Ritchie; and she remarked that she had been under the impression that the staff of the Department of City Planning was reconsidering the absolute ban on residential developments in industrial areas which has been in effect since the new zoning ordinance was adopted in 1960. She emphasized that the subject motel is well maintained; and she felt that the proposed expansion should be approved.

Commissioner Farrell asked if sufficient parking would be available for the additional units. Mr. Campagnoli replied in the affirmative, stating that off-street parking spaces would be provided on an adjacent lot as well as beneath the new units.

Commissioner Farrell assumed that there must be a need for the additional units if the applicant was willing to spend money for their construction; and he indicated that he would vote in favor of the proposed reclassification.

President Newman stated that he was concerned about the Director's negative recommendation; and he asked if the Commission would be violating the principles of zoning by approving the subject application. The Director replied that he felt that the Commission would be violating the principles of zoning to a high degree if it were to approve the application.

When the question was called, the Commission voted 3 to 1 to adopt Resolution No. 7156 and to approve reclassification of the subject property from M-1 to C-M. Commissioners Farrell, Porter, and Ritchie voted "Aye"; Commissioner Newman voted "No".

At 3:40 p.m. President Newman announced a 5-minute recess. The Commission reconvened at 3:45 p.m. and proceeded with hearing of the remainder of the agenda.

EE73.140 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR AN 8-UNIT APARTMENT BUILDING PROPOSED FOR THE NORTHEAST CORNER OF ROSSI AVENUE AND TURK BOULEVARD.

Selina Bendix, Environmental Review Officer, summarized the report and recommended a series of changes in the text of the document.

James Garrett, 73 Rossi Avenue, stated that he and Mrs. Walton had submitted a two-page statement concerning the Environmental Impact Report. President Newman replied that the points raised in the letter had been included in the draft report.

Lloyd Colvin, the developer, suggested two changes in the draft of the report to reflect matters of fact.

Allan B. Jacobs, Director of Planning, recommended that the Commission find the final Environmental Impact Report to be adequate, accurate, and objective and to certify the completion of the report. He also recommended that the Commission find that the project, as proposed, will not have a significant effect on the environment.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie and carried unanimously that Resolution No. 7157 be adopted, that the final Environmental Impact Report be found to be adequate, accurate, and objective, that the report be certified as complete, and that it be found that the project, as proposed, will not have a significant effect on the environment.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF A BUILDING PERMIT APPLICATION FOR AN 8-UNIT APARTMENT BUILDING PROPOSED FOR THE NORTHEAST CORNER OF TURK BOULEVARD AND STANYAN STREET.

Allan B. Jacobs, Director of Planning, remarked that the Commission had initiated the subject discretionary review during its meeting on December 6, 1974. He recommended that the building permit application be approved for the following reasons:

1. The applicant has met with the staff of the Department of City Planning to develop a building design that would be compatible with development on the Turk Street frontage and in the vicinity.

2. The applicant has made the following significant changes in the proposed building:
   a. Changing its orientation to Turk Street
   b. Modifying the exterior
   c. Modifying the garage plan

3. The building is in fact comparable in scale to development on the Turk Street frontage and with the two adjacent buildings on the Stanyan Street frontage.

The Director also noted that the Commission had been requested to conduct a discretionary review of the building permit application for another 8-unit apartment building proposed for the northeast corner of Turk Boulevard and Rossi Avenue, which project was the subject of the Environmental Impact Report which had just been adopted by the Commission. He recommended that that request for discretionary review be denied for the same reasons he had cited in recommending that the permit application for an identical building on the northeast corner of Rossi Avenue and Turk Boulevard be approved.

Commissioner Ritchie stated that he wished to hear from the people who had requested the Commission to undertake discretionary review of the two permit applications.

James Garrett, 73 Rossi Avenue, remarked that members of the Commission had visited and were familiar with one of the few single-family residential neighborhoods in San Francisco which is not sealed off by iron gates or other types of barriers; and he urged the Commission to conduct discretionary reviews of both permit applications for the purpose of protecting the single-family residential character of the neighborhood.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that discretionary reviews be conducted of both building permit applications and that the reviews be conducted simultaneously.

Harold Dobbs, Attorney for Drake Builders, stated that he felt that the two building permit applications should be considered simultaneously; and, as a result, he had no objections to the procedure which had been decided upon by the Commission. In his opinion, the two subject properties had never been developed with single family homes because the land was far too expensive and because street traffic on Turk Boulevard is far too busy to be compatible with single-family residences. He stated that the buildings which his client proposed to construct would have a height of less than 30 feet, which is the approximate height of existing buildings in the area; and he remarked that the driveways of both buildings have been oriented on Turk Boulevard rather than on Rossi Avenue or Stanyan Street. He stated that a number of signatures were on file in support of the two buildings; and he emphasized that it is more difficult to obtain signatures in support of a particular project than it is to obtain signatures in opposition to it. He advised the Commission that the two sites had been purchased at a public sale; and he indicated that the present owners had thoroughly investigated the zoning of the properties and had been advised by the staff of the Department of City Planning that 8 units could be constructed on each site. Furthermore, changes had been made in the plans for the two buildings in response to suggestions which had been made by the staff of the Department of City Planning. He remarked that the Director of Planning had originally issued a negative declaration for the building at the northeast corner of Rossi Avenue and Turk Boulevard; and, because that determination had been overruled by the Commission, the developer had gone to considerable expense to prepare an Environmental Impact Report for that project. Plans for the two buildings were identical; and both buildings would have larger rear yards than would have been required prior to enactment of the Interim Residential Zoning Controls. He felt that both buildings would be attractive; and he noted that a number of other apartment buildings exist in the area on Turk Boulevard and on Arguello Street. In conclusion, he remarked that other uses of the subject sites would make little sense; and he urged the Commission to approve both building permit applications.

President Newman, reviewing a map which had been submitted by Mr. Dobbs which indicated property owners who were in favor of or opposed to the two buildings, observed that most of the property owners in the block on which the Stanyan Street and Turk Boulevard building would be located appeared to be in favor of that building while most of the property owners in the block on which the other building would be located seemed to be opposed to that building. Mr. Dobbs attributed the difference to the vagaries of human nature. He pointed out that the two subject properties are the last two vacant parcels in the area; and, while the zoning of the property would permit the construction of larger buildings, his client did not feel that he could construct anything less than was being proposed.

President Newman asked for a show of hands of individuals present in support of the building permit applications. Approximately eight individuals responded. He then asked for a show of hands of those present in opposition to the applications; and most of the people in the room responded.

Mr. Garrett remarked that the developer had originally purchased four lots in the subject neighborhood, two of which had since been sold; yet, he had turned down an offer for purchase of the two subject properties made by a buyer who wanted to build a pair of flats, in spite of the fact that the offer had met the developer's asking price. In spite of the fact that Mr. Dobbs had elaborated on the changes which had been made in the plans for the two buildings, he continued to be of the opinion that it is not possible "to make chicken salad out of chicken feathers".

Ann Milton, 67 Rossi Avenue, read the following prepared statement:

"I have lived at 67 Rossi Ave for 15 years. This is a Two-flat building occupied by related members of one family. We bought the building with my parents as refugees from a short try at suburban living.

"In recent years the residents of family oriented neighborhoods in San Francisco have watched in irritation as builders, in order to 'maximize their return on their investment', have evolved the philosophy that the best land use is the greatest number of units at the least cost. Now, the greatest number of units can be figured (using the old or the new math) if you know the dimensions of the lot and the zoning. By using this table, and long division you can compute the units. Lucky the builder whose quotient shows a remainder greater than half the divisor because then he is allowed one more full unit. Thus, this most beautiful city in the world has become dotted with large stucco cubes with little pebble flocking, that stand as monuments to arithmetic.

"After computing the number of units allowed you contact a building designer. A building designer, given the size, shape and grade of the lot, by eliminating such frills as dining rooms, linen closets, and windows in the bathrooms, can maximize the number of bathrooms and bedrooms within this maximum number of units. The building designer, if he is lucky, will already have in his files, plans from a previous job which can be adapted by a few erasures to fit your needs.

"Now, we residents are not alone in finding this detrimental to family-oriented neighborhoods. The Commission has addressed itself to this problem, and ordered a city-wide study. Thank You. It has votes a set of interim controls. Thank You.

"At the time our area was developed, the builders did not play this numbers game and saw fit to build single family homes and flats. They are spacious and well-built. Because of this and the playground they are ideal family residences and are almost all owner-occupied. We are on our first recycling. Homes are being bought by young people who do not wish to raise their children in the sterile boredom of suburbia.

"This is the situation...Past building, by luck, and future building, thanks to the Commission, will conform to this family pattern. We are before you today asking you to deny the permits for these, one-time, multi-unit buildings. They would add 38 bedrooms and 36 baths to the neighborhood and would be totally incompatible with the one and two-family character of Francisco Heights."

Mitchell Cutler, 2940 Turk Boulevard, stated that he had written a letter to the Commission in his capacity as President of the Francisco Heights Civic Club. He stated that most of the buildings in Francisco Heights contain only one to two units; and, as a result, the neighborhood is clearly characterized as a family area. He remarked that the developer of the two subject parcels of property had also owned two lots on Parker Avenue; and those lots, having been sold, will be developed with single-family homes. He also noted that there are currently no apartment buildings on Turk Boulevard between Parker Avenue and Willard Street. While the applicant's representative had claimed that it would not be economically feasible to construct two-family dwellings on the two subject properties, he disagreed; and he advised the Commission that two-family dwellings are being sold for more than $100,000. If two-unit buildings were to be constructed on the subject sites, one of the dwelling units would more than likely be owner-occupied whereas units in larger apartment buildings would probably all be occupied by tenants.

Arden Danekas, representing the Planning Area for the Richmond, emphasized that the Environmental Impact Report which had been prepared for the project at Rossi Avenue and Turk Boulevard contained a statement to the effect that the proposed project would not be in conformity with the Master Plan; and he believed that the building would also be incompatible with the density and bulk standards specified in the Urban Design Plan.

William Kubel, owner of property across the street from the Rossi Avenue and Turk Boulevard site, stated that he would not be opposed to construction of a two-family dwelling on the property; however, he was definitely opposed to construction of an 8-unit building. He stated that the neighborhood already has a parking problem; and he did not understand why the neighborhood should be deprived of its beauty solely for the almighty dollar. He felt that approval of the two subject applications would establish a precedent which would encourage development of similar buildings in the future; and, since residents of the neighborhood did not wish to have the character of the area changed, they were urging that the building permit applications be disapproved.

Elmer James, 58 Rossi Avenue, stated that the two subject lots have been very profitable to their owners in the past, having been leased for a number of years to Foster and Kleiser. He also remarked that the neighborhood already has a serious parking problem. Automobiles are often parked on the streets for periods ranging from 3 to 12 days, including people living in campers; and, meanwhile, automobiles belonging to residents of the neighborhood are ticketed.

Julius Zederman, 88 Rossi Avenue, stated that he has lived next door to one of the subject properties since 1940; and he indicated that his wife had encouraged Foster and Kleiser to install a billboard on the property and maintain the property as a small neighborhood park. Since the City had required removal of the billboard, the property had become unsightly; and he felt that it should be developed. However, he felt that the eight dwelling units being proposed would be excessive. He advised the Commission that his wife had interviewed 72 residents of the neighborhood who were opposed to having the character of the area changed.

A member of the audience who resides at 403 Parker Avenue stated that he is a renter; and he indicated that he objected to the "block buster" buildings which have appeared all over San Francisco, ruining some of the city's best residential neighborhoods. In conclusion, he stated that he intended to leave San Francisco when he finally gets his master degree.

Mrs. Samuel Rodetsky, 165 Stanyan Street, stated that she had called the Department of City Planning before purchasing her property and had been advised that all of the other properties in the area were zoned R-1 or R-2. She indicated that the neighborhood already has a parking problem; and, if the proposed 8-unit apartment buildings were to be constructed, each unit would probably be occupied by 4 to 6 students, all owning automobiles, while only one off-street parking space would be provided for each of the units.

President Newman asked how many units are permitted on the subject properties by the present R-3 zoning. The Director replied that 8 units are permitted by the R-3 zoning; and he indicated that the developer intended to construct 8 units on each site.

Commissioner Porter asked how many dwelling units would be permitted on each of the properties if the properties were zoned R-2. The Director replied that 6 dwelling units would be permitted on each of the sites under those circumstances.

Commissioner Porter asked if the staff had made an effort to work with the applicant to avoid the necessity for extensive curb cuts on the subject properties. The Director replied in the affirmative and indicated that the number of driveways had been minimized.

Commissioner Ritchie asked if he were correct in his understanding that both applications, when filed, had been in conformity with zoning regulations then in effect and that the applicant had not requested any special consideration. The Director replied that Commissioner Ritchie's understanding was correct.

President Newman reflected on the fact that the two buildings, as proposed, were completely legal; and he remarked on the fact that the buildings would contain only two units more than would be permitted if the properties were to be re-zoned to R-2.

Commissioner Ritchie asked if the building permit applications had been filed before the neighborhood request for "down zoning" had been filed. The Director replied in the affirmative.

Commissioner Ritchie then observed that the Commission could not hazard a guess as to the number or nature of tenants who would occupy units in the proposed buildings; and he indicated that economics have never been a proper concern of the Commission. If the Commission were to disapprove the permit applications, it would be acting on an emotional basis rather than on a legal basis; and, under the circumstances, he did not see how the Commission could disapprove the applications.

The Director stated that the Commission could legally disapprove the permit applications if, in its discretion, a determination were made that construction of the proposed buildings would be contrary to the health, safety, and general welfare of residents of the city.

Commissioner Porter remarked that San Franciscans in San Francisco neighborhoods make it very difficult for the City Planning Commission when they do not request re-zoning before specific projects are proposed. She noted that the two subject properties had been zoned R-3 for many years; and the request for re-zoning to R-2 had not been filed until building permit applications for completely legal R-3 buildings were already on file. Furthermore, the developer had agreed to modify his plans as requested by the staff of the Department of City Planning; and she felt that the revised treatment of the drive ways represented a major concession on the developer's part. She also emphasized that the buildings which had been proposed would contain only two units more than would be permitted if the properties were zoned R-2; and, if that had not been the case, she might have voted for disapproval of the building permit applications.

Commissioner Ritchie asked if the developer presently owns the subject properties. After receiving an affirmative response from Mr. Dobbs, Commissioner Ritchie remarked that the two lots had been allowed to deteriorate after the billboards had been removed, even though the landscaping could have been maintained. Eventually the lots were placed on the market for sale; and someone purchased them with the knowledge that they were zoned R-3. Under the circumstances, he did not think that it was fair for people who could have purchased the properties to come in at the last moment to prevent the purchaser from developing his property in accordance with R-3 standards. He felt that the owner of the properties has a legal right to develop the properties as proposed; and, in any case, the difference between the 8 units permitted under R-3 zoning and the 6 units which would be permitted under R-2 zoning did not seem to him to be very significant. The owners of the new buildings may or may not live on the premises; but the same circumstances would apply if the properties were to be developed with 2-unit buildings. He indicated that he owns flats which he does not occupy. He also remarked that it has been the policy of the Commission not to be concerned with the economic feasibility or non-feasibility of projects proposed.

After further discussion it was moved by Commissioner Ritchie and seconded by Commissioner Porter that the building permit for the building to be located on the northeast corner of Turk Boulevard and Rossi Avenue be approved.

Commissioner Porter stated that the reason that she had seconded the motion was that the developer had worked closely with the staff of the Department of City Planning and had made considerable modifications in his plans at the request of the staff; and she felt that people in San Francisco should be able to expect some integrity from governmental agencies.

Commissioner Farrell stated that he was very sympathetic to maintenance of family-oriented neighborhoods in San Francisco; however, legally, and in his own good conscience, he believed that the developer was entitled to build the two additional dwelling units in each of the buildings being considered. Therefore, he indicated that he would support the motion for approval of the building permit application.

President Newman asked if the Commission's approval of the building permit application could be appealed. The Director replied in the affirmative, indicating that the approval could be appealed to the Board of Permit Appeals within ten days.

President Newman then noted that the City Planning Commission had approved "down-zoning" for many residential neighborhoods in the city; however, as a matter of equity, he felt that the Commission must be extremely careful that it does not completely overturn the law. He stated that he would support the motion for approval of the building permit application.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7158 and to approve the building permit application for the 8-unit apartment building proposed for the northeast corner of Turk Boulevard and Rossi Avenue.

Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that Resolution No. 7159 be adopted and that the building permit application for the 8-unit apartment building on the northeast corner of Turk Boulevard and Stanyan Street be approved.

ZM73.32 - TURK BOULEVARD, NORTH LINE, BETWEEN PARKER AVENUE AND A POINT 100 FEET EAST OF ARGUELLO BOULEVARD, INCLUDING ALL LOTS PRESENTLY ZONED R-3 WHICH FRONT ON EDWARD STREET, WILLARD STREET NORTH, ROSSI AVENUE, STANYAN STREET, BEAUMONT AVENUE AND PARKER AVENUE R-3 TO AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject properties totaling 51 lots with an aggregate area of 139,258 square feet (3.2 acres). He stated that two of the lots are vacant, 26 are developed with one-family dwellings, 18 with two-family dwellings, 2 with three-family dwellings, one with a 5-unit apartment building, one with a 6-unit

apartment building and one with an 11-unit apartment building. He stated that the Commission had just approved building permit applications for an 8-unit apartment building on each of the vacant lots; and, since those building permit applications had been filed prior to the filing of the application for re-zoning, they would not be affected if the application were to be approved.

Mrs. James Milton, 69 Rossi Avenue, stated that she was one of the applicants. She indicated that she had begun work on the project last August; and, because residents of the neighborhood had done all of the work on the application themselves, they had not been able to file the request prior to the time that the building permit applications were filed for two vacant lots. She acknowledged that the neighborhood was at fault insofar as it had not realized that the two vacant lots were zoned R-3 and had not requested re-zoning at an earlier date; however, in defense of the neighborhood, she pointed out that it would be easy to assume that the existing pattern of development, consisting of single-family homes and flats, had resulted from zoning restrictions. When the two vacant parcels had been placed on the market, she had called the Recreation and Park Department to ask if that agency would accept the properties as a gift if she could raise funds to purchase them. The response of that department had been negative, given the proximity of Rossi Playground; and she agreed that there are other neighborhoods in the city which are in greater need of open space. Subsequently, she had proceeded on the re-zoning project; and, in spite of the fact that the Commission had already approved building permit applications for the two vacant lots, she wished that the Commission would act favorably on the request for re-zoning. She advised the Commission that some of the flats in the subject neighborhood are enormous in size; and she indicated that she lives in a flat which has three bedrooms. Such units could easily be converted as long as the neighborhood retains its R-3 zoning; and, for that reason, she felt that it would be desirable to re-zone the area to R-2. In conclusion, she stated that she had submitted a map which showed the location of properties whose owners had been contacted and who had expressed support of the application.

Allan B. Jacobs, Director of Planning, remarked that 86% of the property within the subject area is presently developed with one- or two-family dwellings; and he noted that the existing character of development within the subject area is essentially the same as in the abutting R-1 and R-2 districts. He emphasized that the proposed reclassification would not have a direct effect upon the two vacant parcels since the building permit applications which had just been approved by

the Commission had been filed prior to the filing of the application for reclassification. He remarked that the existing homes within the subject area are well maintained and in good condition; and he indicated that the land use plan of the master plan designates the subject area for low density residential development. He also noted that substantial neighborhood support for the re-zoning had been demonstrated during the course of the Commission's meeting. Therefore, he recommended that the requested reclassification of the subject properties from R-3 to R-2 be approved.

Commissioner Ritchie asked how the proposed re-zoning would affect existing buildings which had been built to a higher density than would be permitted in an R-2 district. The Director replied that those buildings would be allowed to remain as legal non-conforming uses.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that Resolution No. 7160 be adopted and that the subject application be approved.

At 5:10 p.m. President Newman announced a five-minute recess. The Commission reconvened at 5:15 p.m. and proceeded with hearing of the remainder of the agenda.

CU74.7 - HOMEWOOD TERRACE, NORTH SIDE OF OCEAN AVENUE 171 FEET EAST OF KEYSTONE WAY. REQUEST FOR AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF 172 DWELLING UNITS, TO BE SOLD AS CONDOMINIUMS, AND A COMMUNITY BUILDING; IN AN R-2 DISTRICT.

William Duchek, Planner III, referred to land use and zoning maps to describe the subject property which has a width of approximately 520 feet and a depth of approximately 470 feet for a total area of approximately 5.96 acres. He stated that the applicants proposed a planned unit development of 172 dwelling units consisting of approximately 102 two-bedroom units and 703-bedroom units to be sold as condominiums. A community building consisting of 1500 to 2000 square feet was also being proposed; and that building could serve as a common meeting hall and or cooperative day care facility. The plans called for approximately 97,804 square feet of usable open space. 250 parking spaces were proposed, with owner parking spaces in enclosed garages and visitor parking either open or in carport structures. Maximum building height throughout the project would be less than 40 feet. Mr. Duchek stated that the Commission had acted on August 23, 1973, to certify as complete an Environmental Impact Report entitled "Ocean Avenue Condominium Apartments". He remarked that the project described in the report was substantially the same as proposed in

the current planned unit development; and, although the potential developer of the project had been changed from Lee Turner, Turner Investment, Incorporated to Doric Development, Incorporated, the Department of City Planning had determined that that Environmental Report would meet the requirements of the California Environmental Quality Act applicable to the subject planned unit development. In conclusion, he stated that the Commission, in certifying the completeness of the impact report, had found that the project as proposed would not have an significant effect on the environment.

Mark Rafanelli, representing Doric Development, Incorporated, stated that the only changes which his firm had made in plans for the project involved a greater number of three-bedroom units and increased usage of bay windows. He stated that the architects who had prepared the plans for the project were present in the meeting room to respond to any questions which might be raised by members of the Commission.

President Newman asked if any changes had been made in amenities or in the amount of open space which would be available. Mr. Rafanelli replied that more open space would be available than in the original plan; and, in addition, a community building was being proposed. In response to a further question raised by President Newman regarding the approximate price of the proposed units, Mr. Rafanelli stated that the units would probably sell for $45,000 or $50,000. He stated that 21 of the buildings in the proposed project would contain from 8 to 12 units, 72 of the units would consist of 2 bedrooms and 2 bathrooms on one level; and the remaining 100 units would be designed as town houses.

President Newman, noting that several projects had been proposed for the subject site in the past, asked if the proposed development would proceed if the subject application were to be approved. Mr. Rafanelli stated that he assumed that the project would be built if the application were to be approved.

Oscar Fisher, Chairman of the Zoning Committee of the West of Twin Peaks Central Council, stated that he had appeared before the Commission on a number of occasions to object to projects being considered; and he indicated that he felt an obligation to appear in support of projects which his organization had found to be acceptable. He stated that a number of meetings had been held with the developers who had filed the subject application; and he wished to compliment them on their plans and to request that the conditional use application be approved.

Henry Hinds, Vice-President of the Westwood Park Home Owners Association, noted that his organization had violently opposed a high-rise development which had previously been proposed for the subject site; and,

although they had supported the conditional use application for the last smaller-scale project proposed for the property, he felt that the present plans were at least 25% better than the previous plans in terms of the total amenities which would be provided.

Ernest Reinke, 777 Faxon Avenue, and Mrs. Elsie Denarde, 28 Keystone Way, inquired about the effect which the proposed project might have on their properties. Members of the staff and architects for the applicants explained the relationship between buildings in the proposed project and homes located on the perimeter on the site.

Henry Christopherson, 34 Keystone Way, stated that he had watched the subject property for a number of years; and he felt that the project which was being proposed was quite good. He urged that the application be approved.

Gloria Toro, 592 Wildwood Way, asked what effect the proposed development would have on views from adjoining properties. An architect for the applicant replied that all roof lines in the proposed project were being kept below the living room floor-level of houses to the north on Wildwood Way.

Al Hicks, President of a construction corporation and a real estate broker, stated that he was trying to make sure that minorities get their fair share of the "economic pie" in the community. He advised the Commission that certain arrangements had been made with the previous applicant which would have provided work opportunities for minority groups; but he indicated that the present applicant had completely ignored their overtures. He stated that he had no opposition to the project per se; however, he urged that a condition be established which would require that the project proceed in accordance with the affirmative action policy of the City and County of San Francisco.

Alfredo Gordon, 125 Kenwood Way, hoped that the project would take the color scheme of the city into account and that the new buildings would not be beige in color.

The Director recommended that the Conditional Use Application be approved subject to 15 specific conditions which were contained in a draft resolution of approval which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Rafanelli replied in the affirmative.

President Newman asked the Director if he felt that an additional condition should be included to satisfy the concern expressed by Mr. Hicks. The Director replied that he did not feel that it would be appropriate for the Commission to establish such a condition. He stated that the city's affirmative action policy applies only to contracts which the Commission might enter using city funds; and, while he felt that affirmative action programs in the private sector should be pursued, he did not feel that the Commission should make its zoning decisions subject to a requirement for affirmative action programs.

Commissioner Ritchie remarked that labor and construction matters go beyond the jurisdiction of the City Planning Commission; and he remarked that the Commission had never in the past established conditions such as the one which had been recommended by Mr. Hicks.

Mr. Rafanelli stated that he had not meant to ignore Mr. Hicks; and he indicated that he would be willing to discuss the matter with him.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that Resolution No. 7161 be adopted and that the application be approved subject to the conditions which had been recommended by the Director.

R118.74.3 - TENTATIVE CONDOMINIUM SUBDIVISION MAP HOMEWOOD VILLAGE, LOTS 5 AND 8 IN ASSESSOR'S BLOCK 3283.

Allan B. Jacobs, Director of Planning, reported on this matter as follows:

"The subdivision filed by Yarnell & Ron for Doric Development, Inc. (owners of the subject property) would contain 172 dwelling units consisting of approximately 102 two-bedroom units and 70 three-bedroom units. The general nature of the subdivision and the surrounding existing development and zoning is described in the City Planning Commission case report prepared for Conditional Use Application No. CU74.7 and the final Environmental Impact Report titled 'Ocean Avenue Condominium Apartments' dated August 23, 1973.

"It is contemplated to subdivide the property through the Condominium process so that each of the dwelling units will be in separate ownership, but access roads, walkways, parking areas, open space, structural and mechanical elements of the dwellings, and the community building would be in common ownership.

"Certain of the common areas consisting of parking spaces and small open spaces such as balconies, roof decks and garden areas would be granted as exclusive easements appurtenant to individually owned dwelling units. The presently contemplated selling price of the dwelling units would be $45,000 to $50,000. The larger dwelling units in the development are designed to attract families with children.

"The proposed subdivision of the approximately 6.54 acre site is in conformity with R-2 zoning regulations applicable to the site except for the rear yard provisions of the recently adopted interim residential zoning controls. The purpose of the above mentioned conditional use application, which proposes the project as a planned unit development, is to seek modification of the rear yard requirements."

At the conclusion of his report, the Director recommended that the tentative map for the condominium subdivision be approved subject to the conditions required by the City Planning Commission in Resolution No. 7161 approving application CU74.7.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the Director be authorized to report to the Director of Public Works that the tentative map for the Homewood Village condominium subdivision prepared by Yarnell and Ron, dated February 1974, is in conformity with the Master Plan and should be approved subject to the conditions required by the City Planning Commission in Resolution No. 7161 which authorized the project as a planned unit developed.

EE74.4 - APPEAL OF A NEGATIVE DECLARATION BY THE DEPARTMENT OF CITY PLANNING RELATIVE TO A 43-UNIT APARTMENT BUILDING PROPOSED AT 1790 BROADWAY.

Selina Bendix, Environmental Review Officer, explained the reasons for the staff's decision to issue a negative declaration for the proposed project.

Members of the audience who addressed the Commission on this matter included David Hartley, the appellant; Richard Chessin, owner of a condominium apartment at Pacific Avenue and Gough Street; Helen Som, architect

for the applicant; Ralph Kaufman, a resident of the vicinity; and an owner of a high-rise building in the neighborhood.

After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Farrell and carried unanimously that Resolution No. 7132 be adopted to overrule the staff's negative declaration and to require that an Environmental Impact Report be prepared. The resolution also announced the Commission's intention of conducting a discretionary review of the building permit application for this project.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CURRENT MATTERS CONTINUED

Peter Svirsky, Planner V (Zoning) gave the Commissioners two manuals from the California Secretary of State pertaining to conflict of interest requirements under State Law.

After discussion, the Commission requested that a special meeting be scheduled for further discussion of this matter.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 14, 1974.

The City Planning Commission met pursuant to notice on Thursday, March 14, 1974, at 2:00 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, and John Ritchie, members of the City Planning Commission.

ABSENT : Mortimer Fleishhacker, Thomas J. Mellon, and Hector E. Rueda, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; John Phair, City Planning Coordinator; Richard Gamble, Planner IV; Charna Staten, Planner III; Dewayne Guyer, Planner III (Urban Design); Marie Zeller, Planner III - Administrative; Emily Hill, Planner III - Transportation; Moira So, Planner II; Wilbert Hardee, Planner II; Nathaniel Taylor, Planner II; Robert Feldman, Planner II; and Lynn E. Pio, Secretary.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reported that Peter Svirsky was on leave to attend the funeral of his father in Florida.

The Director reminded the Neighborhood Plans Committee (Commissioners Rueda, Fleishhacker, Ritchie) of a meeting scheduled for next Thursday, March 21, at 12:00 noon.

The Director informed the Commission that the Open Space Acquisition Fund Charter Amendment had been approved by the Board of Supervisors for inclusion on the June ballot.

John Phair, City Planning Co-ordinator, distributed and commented on a list of neighborhood organizations in San Francisco which had been prepared by the staff. He stated that questionnaires had been sent to each of the organizations to provide the staff of the Department of City Planning with information concerning their committee structure, their contact people, the date of their elections, the size of their membership, what their activities have been, and the subjects in which they have a particular interest. He also indicated that the staff may prepare informational bulletins to be distributed to the various neighborhood organizations.

Commissioner Ritchie felt that the list of neighborhood organizations would be very useful; and he suggested that copies of the list should be transmitted to the Board of Supervisors. He noted that city-wide organizations such as San Francisco Beautiful, SPUR and the Chamber of Commerce were not included on the list; but he acknowledged that the principal purpose of the list was to identify groups which represent particular areas of the city. In that regard, he noticed that the Presidio Terrace Association and the Westlake Park Association were not included on the list; and he suggested that they be included.

Dewayne Guyer, Planner III - Urban Design, presented and summarized a report entitled "Sunnydale-Visitacion Valley Statistical Profile". The report is available in the files of the Department of City Planning.

Donald Horanzy, a resident of Visitacion Valley, stated that he had expected the report to be available at an earlier date; however, he was pleased that it was finally available.

Charna Staten, Planner III, reported on elements of the Transit Preferential Streets program which had been approved by the Board of Supervisors.

The Director continued his report with the following statement:

> "On January 31 staff presented to the Commission a memorandum recommending the format, substance and procedures that should be required for Institutional Master Plans. As was described in the memo the purposes of such master plans are to provide a basis on which future proposed development can be reviewed by the Commission and the public, and to extend city-wide a policy already endorsed by the Commission in an area plan for the Haight-Ashbury. The recommended procedure calls for an institution to submit its master plan for public review before the Commission, but not endorsement, well in advance of the institution submitting a formal application to Commission for authorization of new construction.
>
> "In response to comments of the Commission, staff has sent a copy of the memorandum to each major hospital in the City, and had sought their comments. Comments have been received from Kaiser Hospital, Children's, Franklin, Harkness, St. Luke's, St. Josephs, St. Francis, Pacific Medical Center, and U.C. Medical Center. The comments can be summarized as generally favorable. Most of the institutions mentioned the relatively fluid nature of their future plans, and several mentioned limitations on their ability to measure the effect of their plans on housing units and neighborhood character. It was noted that hospitals that do not have the right of eminent domain may find it difficult to disclose directions of future land acquisition. However, all thought the general concept would be helpful, and indicated their desire to cooperate.

"The memorandum was also sent to the San Francisco Comprehensive Health Planning Council, and appeared to be favorably received in the Council's Health Facilities & Services Subcommittee on Guidelines meeting held yesterday.

"None of the comments would seem to require changes in the memorandum presented to you in January and sent to the institutions in February.

"The endorsement by the Commission of the format substance and procedures to be required for institutional Master Plans as stated in the memorandum would allow effectuation of the staff's recommendation and I have prepared a draft resolution for this purpose."

Commissioner Ritchie remarked that the Conditional Use Application for expansion of St. Mary's Hospital is still pending before the Board of Supervisors; and, under the circumstances, he felt that it would be unwise for the Commission to adopt new procedures until such time as final action is taken on that matter by the Board of Supervisors. In his opinion, the staff recommendation for adoption of the new procedures at this time had all of the earmarks of "end run".

The Director stated that the Commission had already acted on the St. Mary's matter and remarked that adoption of the new guidelines could not legally affect that prior action. In any case, he had not intended that the new guidelines should have any effect on the approved expansion program for that hospital. He also noted that the staff memorandum had specified that exceptions from the new procedures could be granted in cases of development proposals already contemplated in master plans reviewed by the Commission prior to the issuance of the memorandum.

Commissioner Ritchie stated that he was not opposed to the new procedures which were being recommended; however, since the new procedures had obviously grown out of the St. Mary's controversy, he felt that it would better to postpone endorsement of the new procedures until that matter has been settled by the Board of Supervisors.

President Newman asked if the proposed procedures would apply only to hospitals or if they would also apply to other "institutions" such as universities, schools, museums, and other public buildings.

Robert Passmore, Planner IV (Zoning), stated that the intent of the memo was to extend the institutional guidelines stated in the Haight Ashbury Plan to the city as a whole. He indicated that the procedures would apply to all institutions requiring conditional use authorization from the Commission for their expansion programs; however, in most cases, it would be medical institutions which would be affected since most of them are located in residential districts. He stated that public buildings are subject to review by the Commission as to their conformity with the Master Plan.

President Newman remarked that the recent proposal to expand the Academy of Sciences in Golden Gate Park had generated a great deal of controversy; and, since there is no Master Plan for Golden Gate Park, he felt that it might be reasonable to apply the new procedures to any new public building which might be proposed in the park.

Commissioner Ritchie agreed and observed that it was possible that the scope of the proposed procedures should be broadened. In any case, the issue before the Commission was very technical in nature; and he wished to have more time to reflect on it before adopting the draft resolution which had been prepared by the staff.

Commissioner Porter felt that the new procedures, instead of serving to avoid confrontations, might in fact, pave the way for two separate confrontations on each expansion proposal, one when the Master Plan issue is considered and the second when the conditional use application is considered. She stated that Mr. Monardo, Administrator of Franklin Hospital, had sent over a copy of a resolution adopted by the Commission in 1969 approving a master plan for expansion of that institution; yet when specific plans for expansion of that facility are brought before the Commission for consideration in the near future, she anticipated that there will be controversy.

The Director stated that Mr. Monardo had responded positively to the approach which had been recommended by the staff in its memorandum.

Commissioner Ritchie felt that the new procedures would probably serve more to soften such confrontations rather than to avoid them.

The Director stated that controversies tend to develop in the absence of firm guidelines and procedures; and he observed that no controversies have developed over the height of proposed buildings since the Height and Bulk Guidelines were enacted into law. He stated that rational decisions can be made when guidelines and laws exist. In the absence of guidelines or laws, confrontations inheritably develop; and in such cases, the issue is usually determined by the side which has the most power and noise.

President Newman stated that the approach which had been recommended by the staff seemed to him to be reasonable and rational.

Commissioner Ritchie stated that he did not disagree with President Newman; however, he felt that action on the proposal should be postponed until final action has been taken on the St. Mary's matter by the Board of Supervisors. He also observed that only four of the seven members of the City Planning Commission were present at today's meeting.

Commissioner Farrell stated that the discussion of the institutional master plan procedures had not been a calendar item; and he, also, felt that matters of such importance should not be acted on unless a full Commission is present.

Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Farrell, and carried 3 to 1 that action on the draft resolution which had been recommended by the Director be postponed for 60 days. Commissioners Farrell, Porter, and Ritchie voted "Aye"; Commissioner Newman voted "No".

DISCUSSION OF INFORMATION TO BE INCLUDED IN FINANCIAL DISCLOSURE FORMS TO BE FILED UNDER STATE LAW.

The Director advised the Commission of changes which had been made in the State's Conflict of Interest Legislation. Subsequently, the secretary summarized the Secretary of States Information Manual on Disclosure of Assets and Income by Office Holders and Candidates. Following the discussion, the Commission requested the secretary to mail a copy of the summary to each member.

R74.8 - SIDEWALK EXTENSIONS: BRYANT STREET BETWEEN 21ST AND 23RD STREET; HARRISON STREET BETWEEN 23RD AND 25TH STREETS.

Richard Gamble, Planner IV, reported on this matter as follows:

"Harrison and Bryant Streets are the only two broad streets running the length of the Mission District which have not become major thoroughfares. The Protected Residential Areas concept of the Urban Design Plan is ideally suited to these streets. Accordingly, about a third of the revenue sharing money for PRA was set aside for the Mission District and these two segments of street were selected to demonstrate the possibilities.

"On Harrison Street, diagonal parking will be provided on portions of three blocks, but usually for no more than one-half a block length. The increase in the number of stalls compensates for removal of parking where the sidewalks are widened. The resulting number of parking spaces will be the same as now exists.

"The sidewalk extensions alternate from one side of the street to the other, causing a gentle swaying in the alignment of the traffic lanes. This allows the maximum widening, and will give trees in these areas the greatest visual impact on the street vista. The widening is as much as 18 feet, resulting in an overall sidewalk width of 33 feet. The largest of the extension areas, at the southeast corner of 24th Street, will be about 75 feet long, forming a sizable little plaza adjoining the shopping street.

"Bryant Street is a transit street, hence the diagonal parking scheme was not utilized due to anticipated problems of cars backing into the bus (and traffic) lane. The sidewalk extensions have for the most part been limited to bus stop areas and the school bus zone at Bryant School. Two other extensions on the corners preceding the bus stops are the only ones which eliminate parking spaces. These extensions are 18 feet wide, and serve to divert traffic from the bus loading lane, as well as furnishing a prominent space for locating trees. Those extensions at the bus stops, in contrast, are only 12 feet wide, and eight feet along the school.

"The geometry of the overall design is literally 'sweeping curves'; designed to accommodate street sweeping machines."

Allan B. Jacobs, Director of Planning, recommended that the increase of the official sidewalk widths on Bryant and Harrison Streets be approved as in conformity with the Master Plan.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the Director be authorized to report that the increase of the official sidewalk widths on Bryant and Harrison Streets, as shown on Bureau of Engineering map Q-20-295, revised March, 1974, is in conformity with the Master Plan.

R74.7 - SIDEWALK EXTENSIONS: PRECITA AVENUE BETWEEN FOLSOM STREET AND COSO AVENUE.

Richard Gamble, Planner IV, reported on this matter as follows:

"Precita Avenue is parallel to and one block south of Army Street at the foot of Bernal Heights. Almost a year ago the street was made one way west bound because of its comparative narrowness and because increasing eastbound through traffic was using the street as a short cut to avoid the congested Mission-Army intersection.

"The seven and eight-foot extensions will have the effect of narrowing the roadway to 15 feet wide. The major visual effect will occur at Coso; the extension on the southerly side will make it more apparent that cars are not to enter. The comparatively narrow widening on the north side anticipates a future 3'sidewalk narrowing on Precita from Coso to Mission Street. That narrowing was approved by the Commission in 1972.

"The project is consistent with the Protected Residential Areas concept developed in the Urban Design Plan. The design was developed by the Division of Traffic Engineering of the Bureau of Engineering. Funding will come from gas tax sources."

The Director recommended that the change in official sidewalk width be approved as in conformity with the Master Plan provided that the extension on the northwest corner of Shotwell Street and Precita Avenue be modified to readily permit turning movements.

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the Director be authorized to report that the changes to the official sidewalk width, as shown as Bureau of Engineering drawing C-20-294, are in conformity with the Master Plan provided that the extension of the northwest corner of Shotwell Street and Precita Avenue be modified to readily permit turning movements.

EE73.231 - APPEAL OF A NEGATIVE DECLARATION BY THE DEPARTMENT OF CITY PLANNING RELATIVE TO A PROPOSED 18-UNIT APARTMENT BUILDING TO BE LOCATED AT 4050 - 17TH STREET.

President Newman called attention to a letter which had been received from Dennis Natali, the applicant, requesting that consideration of this matter be p st-poned until April 4, 1974. After discussion, the Commission decided to proceed with the hearing as scheduled because several residents of the neighborhood were present; and, at the conclusion of the hearing, the Commission decided to proceed to act on the appeal.

Wilbert Hardee, Planner II, provided the Commission with background informatio on this matter and explained the reasons for the staff's decision to issue a negative declaration for the project.

The Commission then proceeded to hear from members of the audience including Penn Butler, 4761 18th Street; Judith Hoyem 4040 17th Street; Elise Mannel, 4048 17th Street; Sue Hestor, President of the Eureka Valley Promotion Association; and Andrew Hoyem, 4040 17th Street.

After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Farrell, and carried unanimously that Resolution No. 7163 be adopted to overrule the staff's negative declaration and to require that an Environmental Impact Report be prepared for the proposed project.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The meeting was adjourned at 3:55 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 21, 1974.

The City Planning Commission met pursuant to notice on Thursday, March 21, 1974, at 100 Larkin Street at 1:45 p.m.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Selina Bendix, Environmental Review Officer; Richard Gamble, Planner IV; Edward Michael, Planner III; Alec Bash, Planner III; and Lynn E. Pio, Secretary.

Keith Power represented the San Francisco Chronicle; Carol Kroot represented the San Francisco Progress and Sanna Craig represented the San Francisco Bay Guardian.

1:45 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:45 p.m. to take a field trip to property at 24th and Diamond Streets which was to be the subject of the 3:00 p.m. calendar items.

2:15 P.M. - 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meeting February 28, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Commission that the Health and Environment Committee of the Board of Supervisors will review the Environmental Impact Report for the proposed St. Mary's Hospital Expansion project on Friday, March 22, at 2:00 p.m.

The Director reminded the Plan Implementation Committee (Commissioners Fleishhacker, Rueda, Porter) of a meeting scheduled next Friday, March 29, at 12:00 noon.

The Director reported on the effect which the Board of Supervisors' recent decision on salary raises will have on the professional staff of the Department of City Planning; and he indicated that he intended to write a letter to the individual members of the Board to advise them of some of the implications of their actions.

R74.5 - ALIGNMENT AND ACQUISITION - FRANCONIA STREET

Richard Gamble, Planner IV, reported on this matter as follows:

"The Director of Property has referred for Master Plan conformity the proposal to purchase portions of two vacant properties for the alignment of Franconia and Brewster Streets on the east slope of Bernal Hill. Mullen - Brewster - Franconia is a composite of three different streets linked together such that they traverse the hillside above Bayshore freeway on a comparatively level route. At Esmeralda Avenue the road switches from the Brewster to the Franconia alignment crossing private property. North and west of this point Franconia and Esmeralda are developed as a continuous curving street; they are roughly 50 feet higher than the Brewster - Franconia roadbed.

"The development of this street is one of the projects indicated in the Neighborhood Improvement Program for Bernal Heights which the Planning Commission approved in 1968. Franconia has been recently paved south of this point to Powhattan Street, and acquisition of this segment would permit continuation of the project northward. The Plan for Residence indicates this is as residential area and construction of this street would permit development of housing.

"The two parcels which are affected by the alignment are in a single ownership. They were subdivided by a former owner in 1962 without regard for the future street alignment. Building permits were applied for in 1963 and 64 but nothing was ever built. The present owners are not contactable by telephone, and the real estate department has not initiated negotiations with them, thus we have no knowledge of their plans for the property. It would seem very desirable to replat these parcels in order to make lot 22 more usable. The lot area resulting as platted is approximately 2300 square feet; however, only 1700 is required for corner lots."

Allan B. Jacobs, Director of Planning, recommended that the proposed acquisition of property and re-alignment of the street be approved as in conformity with the Master Plan.

No one in the audience wished to be heard on this matter.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the Director be authorized to report that the re-alingnment of Franconia Street and acquisition of portions of Lots 21 and 22, Block 5635, as shown on Bureau of Engineering map S-352, is in conformity with the Master Plan.

R74.6 - SALE OF SURPLUS LAND AT ELLIS STREET AND 5TH STREET NORTH.

Richard Gamble, Planner IV, reported on this matter as follows:

"The parcel in question was acquired for the extension of 5th Street north to O'Farrell. It is a long tapering rectangle running along the west side of 5th Street north of Ellis. At Ellis, it has a width of 35 feet which tapers down to 13½ feet at about its mid-length, then retains that width to its northern extremity 177.5 feet from Ellis Street.

"The dimensions of the parcel are such as to make it unsuitable for development unless it is combined with adjoining property. The abutting properties are in two ownerships, and it would appear most desirable to divide this parcel and sell the pieces to the abutting owners.

"The tapering portion near Ellis Street is of little architectural value, particularly for high rise construction, except for whatever additional floor are it will permit under FAR regulations. Introduction of a building following the diagonal portion of the alignment of the street would have an awkward appearance. This would conflict with Policy 1 for Major New Development in the Urban Design Plan, which is to 'promote harmony in the visual relationships and transitions between new and older buildings.' From an urban design standpoint, it would be most desirable to establish a setback line and have a small tree-filled plaza on this portion of the site."

Allan B. Jacobs, Director of Planning, recommended that the sale of the subject property be approved as in conformity with the Master Plan providing that it be divided and sold only to the abutting parcel owners and combined therewith and that there be a building setback line established such that only the westerly 13.50 feet of this parcel may be built upon above ground.

No one was present in the audience to be heard on this matter.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Farrell, and carried unanimously that the Director be authorized to report that sale of that portion of Lots 8 and 9, Block 326 west of 5th Street North is in conformity with the Master Plan provided that it be divided and sold only to the abutting parcel owners and combined therewith and that there be a building setback line established such that only the westerly 13.50 feet of this parcel may be built upon above ground.

CONSIDERATION OF A PROPOSAL TO AWARD A CERTIFICATE OF MERIT FOR THE MARY ELLEN PLEASANT TREES AT BUSH AND OCTAVIA STREETS.

Edward Michael, Planner III, stated that the Landmarks Preservation Advisory Board had previously received a request that the trees be designated as a Landmark; however, since the trees are not a building, they could not be given landmark status. The Landmarks Preservation Advisory Board had then recommended that the trees be awarded a Certificate of Merit; and the board's resolution, indicating the reasons for its action, had been placed before each of the members of the City Planning Commission. In conclusion, Mr. Michael stated that the award of a Certificate of Merit would place no legal restraints on the owners of the property for preservation of the trees.

Allan B. Jacobs, Director of Planning, recommended that a Certificate of Merit be awarded for the trees and distributed a draft resolution of approval which he had prepared for consideration by the Commission.

Ethel Nance, representing the San Francisco African-American Historical Society, remarked that the draft resolution called for presentation of the Certificate of Merit to the owner of the property on which the trees are located; and she suggested that it might be more appropriate to present the Certificate of Merit to her society.

The Director agreed and indicated that he would be willing to change the draft resolution.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the draft resolution, as revised, be adopted as City Planning Commission Resolution No. 7164.

At 2:45 p.m. President Newman announced a 15 minute recess. The Commission reconvened at 3:00 p.m. and proceeded with hearing of the remainder of the agenda. President Newman was absent for the remainder of the meeting; and Vice-President Porter assumed the chair.

EE74.8 - APPEAL OF A DETERMINATION BY THE DEPARTMENT OF CITY PLANNING THAT AN ENVIRONMENTAL IMPACT REPORT WILL BE REQUIRED FOR THE PROJECT CONTEMPLATED IN CONDITIONAL USE APPLICATION 74.3 INVOLVING A SELF-SERVICE CAR AND BOAT WASH IN A C-2 DISTRICT AT THE SOUTHEAST CORNER OF DIAMOND AND 24TH STREETS.

Commissioner Farrell stated that he intended to abstain from participating in the discussion or voting on this matter since he belongs to a parlor of the Native Sons of the Golden West which owns the subject property.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), presented and summarized the case report on this matter. The case report is available in the files of the Department of City Planning.

The following members of the audience addressed the Commission on this matter: Fred Methner, Chairman of the East and West of Castro Street Improvement Club; Claire Pilcher, Chairman of the Friends of Noe Valley; Al Lanier, Chairman of the Planning Committee of the Friends of Noe Valley; Mrs. Florence Meyer, 4185 - 24th Street; Steve Holl, 4214 - 24th Street; and Ross Shendel, the applicant and appellant.

During the course of the proceedings, the Commission asked the Director what recommendation he intended to give regarding the Conditional Use Application. The Director replied that he intended to recommend that the Conditional Use Application be disapproved; and he proceeded to give the reasons for that recommendation.

After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Ritchie, and carried unanimously that Resolution No. 7165 be adopted, that the determination of the Department of City Planning be overruled, and that the issuance of a negative declaration be ordered. Commissioner Farrell abstained from voting.

A standard tape cassette recording of the proceedings is available in the offices of the Department of City Planning for public listening or transcription.

CU74.3 - 4199 - 24TH STREET, SOUTHEAST CORNER OF DIAMOND STREET
REQUEST FOR AUTHORIZATION FOR A SELF-SERVICE CAR AND
BOAT WASH; IN A C-2 DISTRICT.
(POSTPONED FROM MEETING OF MARCH 7, 1974)

During the public hearing on the appeal of the determination by the Department of City Planning that an Environmental Impact Report would be required for this project, the Commission had requested the Director of Planning to indicate what his recommendation would be on this conditional use application. The Director had replied that he intended to recommend that the application be disapproved for the following reasons:

1. The subject property is adjacent to and abutted by residentially zoned and used property; and

2. The proposed use generates noise and activity which would be detrimental to the residential quality of the area; and

3. The traffic generated by the proposed use could interfere with bus and vehicular traffic on 24th Street during peak activity periods at the automobile wash; and

4. The applicant has not demonstrated any need or public necessity for the use at this location which would override the negative effects generated; and

5. A substantial number of persons residing in the area and owning property have expressed opposition to the proposed use, pointing out its negative effects on the residential environment of the area.

Ross Shendel, the applicant, stated that he felt that there is a need for the proposed facility; and, since the facility was intended to serve people who already live in the area, it would not attract additional traffic to the neighborhood.

Commissioner Ritchie remarked that residents of the subject neighborhood who might wish to use such a facility could go to other areas where such facilities already exist.

Commissioner Mellon inquired about the number of automobiles or boats which would have to be washed each day to make the proposed project economically feasible. Mr. Shendel replied that there are approximately 15,000 automobiles within a one-mile radius of the subject site; and he believed that a sufficient number of those automobiles would use the proposed facility to make the operation economically feasible.

Commissioner Ritchie inquired about the rates which would be charged at the facility. Mr. Shendel replied that customers would pay approximately fifty cents to wash their vehicle and an additional twenty-five cents if they wished to use the vacuum.

Commissioner Rueda asked how much time would be required to wash an automobile at the facility. The Director replied that the length of the washing time would depend on the number of quarters which the customer wished to spend.

Commissioner Ritchie inquired about the proposed hours of operation of the facility. Mr. Shendel stated that he proposed to keep the facility open 24 hours a day. In reply to further questions raised by Commissioner Ritchie, Mr. Shendel stated that the number of vehicles using the facility each day might range from 100 to 500; however, he indicated that he would have no control over customer volume. He also indicated that an attendant might be on duty at the facility on occasion.

The Director advised the Commission that most facilities of the sort being proposed are not staffed.

Commissioner Ritchie remarked that the volume of business needed to make the project economically feasible was still not clear to him. While he hoped that the applicant would make a profit from his business wherever it is to be located, he questioned whether the subject site would be an appropriate location for such a use.

Commissioner Mellon expressed concern about the applicant's proposal to have the facility open on a 24-hour basis. Mr. Shendel replied that people may not use the facility at night even if it is open.

Fred Methner, Chairman of the East and West of Castro Street Improvement Club, remarked that there are not many boats in the Noe Valley; and, therefore, any boats using the facility would probably come from other neighborhoods.

Claire Pilcher, Chairman of the Friends of Noe Valley, noted that the applicant had remarked that there is a need for the proposed facility to serve residents of the neighborhood; yet, although her organization has a paid membership of 300 people, not one member of the organization had risen in favor of the proposed project.

Gary Odoffer, 119 Hoffman Avenue, felt that an Environmental Impact Report for the proposed project should have been required by the Commission; and, if such a report had been prepared, he believed that it would have shown that two major bus lines focus on the subject neighborhood, which already has a severe traffic problem. If the proposed facility were to be operated on a 24-hour basis, lighting of the site would have an impact on the environment. Furthermore, there are a number of service stations in the neighborhood which will wash automobiles for a modest fee; and, as a result, he did not believe that the proposed facility is needed in the area. He also remarked that where similar facilities exist in other parts of the city, people wash not only their automobiles but also clean their engines, leaving the area covered with grease, oil, and dirt. Automobiles often line up at those facilities to wait their turn; and, after the automobiles have been washed, their owners often park them on adjacent sidewalks or streets while they dry them. He did not feel that that type of operation should be permitted in a residential area.

Florence Meyer, 4185 - 24th Street, stated that she lives next door to the subject property. She advised the Commission that the property had not been well maintained even when it was operated by the Standard Oil Company; and she doubted that it would be well maintained if the proposed facility were to be approved.

Steve Holl, 4214 - 24th Street, stated that the subject property had been on the market with an asking price of $85,000; yet, even though the commercial zoning of the site would permit the property to be developed with 12 R-3 units and commercial ground floor space, no one had felt that such development would be economically feasible given the price of the land. Under the circumstances, he expected that the applicant would have to draw a great many automobiles to the site in order to provide sufficient revenue to make the proposed operation economically feasible.

Mr. Shendel stated that he had not been present when the Director had given his recommendation on this matter to the Commission. The Director repeated his recommendation of disapproval and cited the reasons for his negative recommendation. He believed that the proposed operation would constitute a nuisance in the neighborhood whether it is a success or a failure; and, therefore, he recommended as strongly as possible that the application be disapproved.

Commissioner Ritchie indicated that he agreed with the Director; and he moved that the application be disapproved.

The motion was seconded by Commissioner Rueda who remarked that there was no question but what the proposed use would attract traffic from outside of the subject neighborhood. In conclusion, he asked if similar facilities had been approved in other residential areas of the city. The Director replied that self-service automobile washing facilities tend to be located in industrial areas.

When the question was called, the Commission voted 4 to 0 to adopt Resolution No. 7166 and to disapprove the subject application.

Commissioner Farrell abstained from voting on this matter.

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 28, 1974.

The City Planning Commission met pursuant to notice on Thursday, March 28, 1974, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Mrs. Charles B. Porter, Vice-President; John C. Farrell, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Walter S. Newman, President; and Mortimer Fleishhacker, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Edward I. Murphy, Assistant Director of Planning; Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); William Duchek, Planner III; Marie Zeller, Planner III - Administrative; Alan Billingsley, Planner II; Paul Rosetter, Planner II; Mark Winogrond, Planner II; Moira So, Planner II; and Lynn E. Pio, Secretary.

Harry Jupiter, represented the San Francisco Chronicle; Dexter Waugh, represented the San Francisco Examiner; and Scott Windhur represented the San Francisco Progress. Television Channel 7 was also represented.

1:00 p.m. Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. on a field trip to property to be considered during the zoning hearing to be held on April 4 and to the Nob Hill properties affected by applications ZM 73.29 and ZM 73.19 which were to be heard later in the afternoon.

2:15 p.m. 100 Larkin Street

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reminded the Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) of a meeting scheduled for Friday, March 29, at 12:00 noon.

The Director advised the Commission that a sub-committee of the Budget and Efficiency Committee of the Board of Supervisors would review the Department of City Planning's budget for the next fiscal year that evening.

The Director informed the Commission that the Board of Supervisors had returned the proposed ordinance amending the City Planning Code to permit foster homes and family care homes as a principal use in R-1-D zoning districts and had requested that the ordinance be redrafted to include a requirement for conditional use permits to maintain such homes in residential districts.

Edward L. Murphy, Assistant Director of Planning, submitted and summarized a memorandum outlining what would be involved in the preparation of a general subdivision ordinance for San Francisco. The memorandum is available in the files of the Department of City Planning. During the course of the presentation Commissioner Rueda arrived in the meeting room and assumed his seat at the Commission table. After discussion, the Commission took this matter under advisement for two weeks for further consideration at that time.

Mark Winogrond, Planner II, submitted and summarized the fourth background paper for the Community Safety Element of the Comprehensive Plan entitled "Emergency Operation Center". The report is available in the files of the Department of City Planning.

The Director noted that the first background report of the Community Safety Element of the Comprehensive Plan had documented the need for additional strong-motion instrumentation installations in the city; and, as a step towards encouraging the installation of such instruments in certain new developments in the future, he had prepared a draft resolution for consideration by the Commission which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the Planning Commission states its intention to consider requiring strong-motion instrumentation in any major building project, or project occupying one or more city blocks, requiring a conditional use approval; and

"BE IT FURTHER RESOLVED, that the City Planning Commission's consideration of such a requirement will be subject to USGS or California Division of Mines and Geology Criteria for location and recommendation for instrumentation; and to such policies regarding instrumentation as may be included in the Community Safety Element of the Comprehensive Plan for San Francisco, when adopted."

Commissioner Farrell inquired about the possible cost of installing strong-motion instrumentation. William Duchek, Planner III, replied that the cost of installation of the instrumentation could range from $1,500 to $15,000.00.

Commissioner Porter asked if the owners of buildings in which the instruments are to be installed would be responsible for maintenance of the instruments. Mr. Duchek replied in the negative, indicating that the instruments would be maintained by the State or by the USGS.

Commissioner Rueda remarked that the instruments would provide the City with information which is not available at the present time; and he felt that steps should have been taken years ago to encourage the installation of such instruments throughout the city.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Ritchie, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7167.

The Secretary called attention to a letter which had been received from Mark S. Litwin, Attorney for Mr. Denny Pelletier, owner of property at 160 Greenwich Street, requesting the Commission to conduct a discretionary review of plans for an apartment building proposed for property located at 939 Lombard Street.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the plans for the building had been approved by the Department of City Planning on November 12, 1973 and by the Bureau of Building Inspection on March 20, 1974. However, since the plans had not yet been picked up by the applicant when the letter from Mr. Litwin was received, he had requested that they be held pending a decision by the Commission on the discretionary review request. He then described the plans for the proposed apartment building which would contain 1 one-bedroom unit, 3 two-bedroom units, and 1 three-bedroom unit. He stated that the proposed project had been the subject of an evironmental evaluation which had resulted in the filing of a negative declaration by the staff of the Department of City Planning. He stated that the proposed development would conform with the Interim Residential Zoning Controls. In conclusion, he indicated that the proposed building would have some effect on the property to the west.

Allan B. Jacobs, Director of Planning, recommended that the request for discretionary review of the plans be denied.

No one was present in the audience to address the Commission on this matter.

After discussion it was moved by Commissioner Rueda, seconded by Commissioner Ritchie, and carried unanimously that the request for a discretionary review of plans for the apartment building to be located at 939 Lombard Street be denied.

At 3:00 p.m. Vice-President Porter announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:10 p.m. for hearing of the remainder of the agenda.

3:10 p.m. - Room 282, City Hall

NOB HILL RECLASSIFICATIONS AREA BOUNDED GENERALLY BY PACIFIC AVENUE, MASON STREET, PROPERTIES ON THE SOUTH SIDE OF CALIFORNIA STREET, AND PROPERTIES BETWEEN LARKIN AND POLK STREETS:

ZM73.29 - RECLASSIFICATION TO R-4 (HIGH DENSITY MULTIPLE RESIDENTIAL) OF PROPERTIES WITHIN THE AREAS PRESENTLY ZONED R-5, AND RECLASSIFICATION TO R-3.5 (HIGH-MEDIUM DENSITY MULTIPLE RESIDENTIAL) OF PROPERTIES WITHIN THE AREA PRESENTLY ZONED R-4.

ZM73.19 - RECLASSIFICATION TO A 65-X HEIGHT AND BULK DISTRICT OF PROPERTIES WITHIN THE AREA PRESENTLY CLASSIFIED AS 240-D and 320-E HEIGHT AND BULK DISTRICTS, AND CLASSIFICATION TO A 40-X HEIGHT AND BULK DISTRICT OF PROPERTIES WITHIN THE AREA PRESENTLY CLASSIFIED AS 80-A, 105-A, 130-D, 130-E, 160-D, 160-F, 200-E HEIGHT AND BULK DISTRICTS.

Robert Passmore, Planner V (Zoning) referred to land use and zoning maps to describe the subject properties, remarking that the area under consideration comprised all or portions of 33 city blocks. He continued his report, as follows:

"The subject area has its highest elevation along Jones Street between Washington and Clay and slopes down in all directions from that point. Existing uses are primarily residential, but are very diverse in scale, ranging from low-rise single-family dwellings to high-rise, high density apartment houses. A number of apartment houses in the area are being converted to condominiums.

"Based on data from the 1970 census the subject area contains approximately 6,240 dwelling units occupied by approximately 13,000 persons. Generally, in the central and southeastern portions of the subject area residents include more elderly persons than the city-wide average. In the northern and western portions the age mix of residents approximates the city-wide average of approximately 24% under 18 years of age, and approximately 14% over 62 years of age.

"Also based on 1970 census data, the average rental of rental units in the subject blocks ranged when that survey was done from $101 to $350 per month on a block by block analysis.

"Grace Cathedral and the Pacific Union Club are significant landmarks in the subject area. The Fairmont Hotel, Mark Hopkins Hotel, and Stanford Court Hotel abut the subject area. The area contains a number of relatively small non-conforming commercial and industrial uses. Huntington Square is the principle recreation open space in the subject area.

"The ten buildings 10 floors or higher in height within the subject area include 172-foot high Comstock Apartments on Jones Street between Clay and Washington, the 135-foot high Crest Royal Apartments on the northest corner of Clay and Jones, the 120-foot high 1360 Jones Apartments on the southeast corner of Washington and Jones, the 231-foot high Clay-Jones Apartments on the southest corner of Clay and Jones, the 126-foot high Newcomb Apartments on the northeast corner of Sacramento and Taylor, the 200-foot high Nob Hill Apartments on the northwest corner of Sacramento and Sproule Lane, the 136-foot high Park Lane Apartments on the northwest corner of Sacramento and Mason, the 160-foot high Huntington Hotel on the southeast corner of California and Taylor, the 178-foot high Cathedral Apartments on the southwest corner of California and Jones, the 272-foot high 1200 California Street Apartments on the northwest corner of California and Jones and the 197-foot high 1221 Jones Street Apartments on Jones between Sacramento and Clay. The Grosvenor Tower Apartments on the southeast corner of Jones and California currently under construction will be 160 feet high.

"The east-west streets through Nob Hill are 49.1 feet wide (narrowing from 68.75 feet west of Larkin Street. The north-south streets are 68.67 feet wide.

"The Planning Code provides for height limit districts covering the entire city. The numerical figure for each district indicates the maximum permitted building height in feet, and the accompanying letter designation indicates the maximum horizontal building dimension permitted over a certain building height. Districts with an 'A' designation restrict the horizontal dimensions of building segments over 40 feet high to a maximum of 110 feet long and a diagonal dimension of 125 feet, a 'D', 'E', or 'F' designation restricts the horizontal dimensions of building segments over 40, 65, and 80 feet respectively to a maximum of 110 feet long and a diagonal dimension of 140 feet. An 'X' designation indicates no horizontal dimension limitations.

"The number of dwelling units permitted in an R-5 district is based on a ratio of one unit for each 125 square feet of lot area (an efficiency unit is counted as .75 of a dwelling unit). One unit for each 200 square feet of lot area is permitted in the R-4 district and one unit for each 600 square feet of lot area is permitted in the R-3.5 district. A typical Nob Hill block, 113,437 square feet in area, would thus be permitted a maximum of 890 full size units to 1100 efficiency units if zoned R-5, 567 units if zoned R-4, and 189 units if zoned R-3.5. Based on 1970 census data blocks in the Nob Hill subject area generally contain between 100 and 330 dwelling units. Subject to applicable building height and bulk district limitations, R-5 zoning permits a maximum basic gross floor area that is 10 times the lot area, and R-4 zoning permits a maximum gross floor area 4.8 times the lot area. The R-3.5 district provisions do not limit gross floor area for residential buildings, but do impose a mandatory 40-foot height and three floors of residential occupancy limitation.

"The R-4 and R-5 districts permit conditional use consideration of professional office buildings. Hotels may be considered as a conditional use in R-3.5, R-4, and R-5 districts.

"Legally constructed residential buildings which become non-conforming due to a change in zoning classification have no mandatory termination date under the provisions of the Planning Code, and, under Section 155 of the Code, may be restored and the former lawful use resumed if damaged or destroyed by fire, or other calamity, or by Act of God; provided that such restoration is permitted by the Building Code and is started within one year and diligently prosecuted to completion.

"The Residential Element of the Master Plan designates the Nob Hill subject area as High Density (10 to 20 unit apartments - 3 to 8 stories) and Highest Density (over 20 unit apartments - over 8 stories). Urban design guidelines for height contained in the Master Plan recommend that building heights on the crest of Nob Hill should be determined by floor area ratio."

Harline Hurst, 77 Pleasant Street, read and submitted the following prepared statement:

"I have lived on Nob Hill for 10 years. I am representing Nob Hill Neighbors.

"Nob Hill Neighbors is an association founded last year when Nob Hill residents were interested in the Urban Design Plan review and hearings.

"Residents were attracted to the exciting new potential of urban design. But, at this same time an old fashioned building controversy occupied them. Hill neighbors rallied to fight a building proposed to overwhelm a small open site with a huge highrise at 1330 Clay.

"Nob Hill Neighbors grew from this first organization. We realized the thousands and thousands and thousands of dollars and the endless hours spent---from hearing rooms through courtrooms---just to block one bad building---this would be a tiny effort compared to the need for a constructive solution for continuing long range problems. So, today Nob Hill Neighbors has over 200 members, a wide list of supporters, and contributors, and friends, many of whom are here today in support of our two 1973 applications to rezone Nob Hill.

"Our members live all over the hill--in high buildings on the hill spine, and in the low and medium rise buildings around the tiny Square and flanking the hill slopes.

"The applications before you are related. One deals with heights and the other with density. These applications reflect our desire for a zoning plan sensitive to the special problems of this very special spot which is Nob Hill.

"There are a lot of special reasons to consider Nob Hill a special spot. (SUBMIT A SET OF PHOTO SPREADS)
(OUTSIDE) This picture of the east flank of Nob Hill gives a hint of our problems. The crest shows the buildings east of Mason and the buildings on the crest will not be affected by this application.
(INSIDE) The charm and diversity of our buildings is only touched by the small sample inside set of photographs from the book Here Today.

"Our proposed solutions---the Nob Hill plan---will help Nob Hill benefit from your own Urban Design Plan criteria. Our plans will protect our hill while your own residential zoning study is in progress.

"A word about that study. Nob Hill Neighbors has worked closely with the other city neighborhoods to obtain the interim residential zoning controls that protect neighborhoods during the study. That is... they protect all the other residential neighborhoods...but not us. Our heights are higher, so these important controls won't apply. Yet, we deserve this short range protection too...tailored to our special needs ...that other neighborhoods now have. We do want to cooperate with the Planning Department in the Residential Zoning study. We know long range

protection and the best long range plan for the hill will come from this kind of working together.

"So today, we ask you to grant our rezoning applications. The Nob Hill plan is in accord with this City's urban design criteria which shapes the buildings to the hill, and not the other way around. The Nob Hill Plan makes good economic sense for residents and owners whose huge investments are in jeopardy without protective controls. The Nob Hill Plan will make good the Planning Commission's own promise: that neighborhoods' special needs WILL be considered...that zoning will be shaped by residents working with planners...that zoning will no longer allow ruin of San Francisco's special spots.

"It is important to recongnize that old zones do not really reflect today's values or serve special spots. Charles McCabe made this point very well in a recent Chronicle column 'There is a growing awareness... a larger...interest...This public interest is becoming slowly but surely realized.' Rezoning <u>is</u> the expressed public interest on Nob Hill.

"My own street...Pleasant Street remains just so. But I see all around me becoming less and less pleasant. A livable street is described in the Urban Design Study Report...and it could be Pleasant Street... BEFORE. It's safe. Noise, vibration, fumes, poor lighting...are not excessive. It's clean. It's interesting and different. There is a feel of community...of cohesiveness...despite our urbanity. But your own study shows how heavy and moderate traffic affect a neighborhood and spoil these qualities that make Pleasant Street a model. All Nob Hill streets are not so lucky...and maybe Pleasant Street won't be for long. More high-rises would mean more congestion...more traffic...a far far less pleasant Nob Hill.

"Our plan is easy to understand and to enact. All residents and owners on Nob Hill agree...KEEP THE SUNSHINE ON NOB HILL. Heights should be kept to 40' on the slopes and 65' on the spines of the hill. That line goes here: (DRAW LINE)
(POINT OUT 40' here and 65' there) This will keep the sunshine on San Francisco's most famous hill. We all want that.

"We all know that high-rise construction is incredibly disruptive. A huge building can take 2-3 years to construct. Neighbors live with construction equipment, trucks, jackhammers and pile drivers, noisy steel construction methods...and this goes on for a LONG TIME. Tenants move out. Vacancies rise, but expenses continue to go up and up. Buildings lose value when they face a high-rise...or even its garage. Our plan won't stop desireable, well-planned development. But it will stabilize and protect. New opportunity and incentives will be set into effect for architects, builders and labor.

"Another quality of Nob Hill we all want to keep is the feeling we all have: we all like it a little crowded. Our density should be limited to R-4 and R-3. That line goes here: (DRAW LINE) (POINT: This = R-3/ that R-4) It will keep Nob Hill active...and a little crowded. We who live here know that's the attraction of our famous hill.

"San Franciscans all know Nob Hill is special. In fact, San Francisco is unique in the country because all San Francisco districts have real identity. A neighborhood like ours needs to feel that residents have that chance that lets them help plan for their own areas. We urge your support for our application...the Nob Hill Plan...and look forward to helping you help us to find the best possible plan for Nob Hill."

Stanley Herzstein, 1170 Sacramento Street, noted that two members of the Commission were absent; and he indicated that he would prefer to have final action on the subject applications deferred until such time as all members of the Commission could be present. He stated that he lives in a penthouse apartment; and he indicated that he was anxious to preserve his beautiful view and the peace and quiet which he presently enjoys. Therefore, he had supported the applications which were presently before the Commission for consideration. He stated that he, personally, did not know whether the specific proposals being made would, in all cases, be right for the areas involved; however, the applicants felt that the proposals were appropriate. He believed that the Commission, in its wisdom, could arrive at a compromise which would lower both height limits and permitted densities in the neighborhood. He pointed out that Nob Hill, unlike Telegraph Hill, Russian Hill, and other residential neighborhoods of the city, is not protected by the Interim Residential Zoning Controls since those controls apply only to neighborhoods which have a height limit of 65 feet or less; and, in that regard, he felt that his neighborhood had been discriminated against. He urged the Commission to consider that most of the people present in the meeting room were residents of Nob Hill and were in favor of the proposed re-zoning; and he asked the Commission to take action to keep Nob Hill as it is and should be.

C.S. Holden, 1371 Jackson Street, remarked that the cable cars which traverse Nob Hill are the city's number one tourist attraction; and he felt that the type of development permitted by the existing zoning of the neighborhood would create traffic problems which would interfere with the movement of the cable cars and would make the neighborhood less attractive to tourists traveling on the cable cars. Therefore, he favored the proposed "down-zoning" as a means of protecting one of San Francisco's greatest resources, the cable cars.

John Rosenberg, 1357 Clay Street, remarked that the Commission, during a public hearing on a proposed high-rise building last year, had questioned residents of Nob Hill who were opposed to the building as to why they had not taken earlier action to change the zoning of the property; and he pointed out that such action was now being taken at a time when no new buildings are pending before the Commission. He noted that a great deal of time had been spent by residents of the neighborhood fighting that building before the City Planning Commission, the Board of Permit Appeals and the Courts; and he did not feel that it would be a good procedure to take individual buildings on a case by case basis in the future because of the amount of time which such procedures involve. Under the circumstances, he felt that it would be preferable for the Commission to approve the two applications presently under consideration. In conclusion, he emphasized that Nob Hill is not subject to the Interim Residential Zoning Controls because of its present height limits; and he remarked that one of the favorable aspects of positive action on application ZM73.19 would be to bring properties on Nob Hill under those controls.

Sol Silverman, 1200 California Street, felt that the statement which had been made by Mrs. Hurst was eloquently persuasive; and he hoped that favorable action would be taken on the applications by the Commission. He remarked, however, that no decisive answer had been given as to whether the Commission would take action on the applications during the course of the present hearing; and he indicated that it was his opinion that due process would not be served if action were to be taken when two members of the Commission were absent.

Commissioner Ritchie pointed out that a quorum of the Commission was present; and, as a result, the Commission would be in a position to act on the applications if it so desired.

Ronald H. Kahn, Attorney for the Comstock Apartment Corporation, read and submitted the following prepared statement.

"The Comstock Board of Directors desire a moment of reflection by the members of this Planning Commission. The existing height and bulk controls are of no value whatsoever.

"This Commission will recall the monument to poor planning that was presented to this Commission for the property immediately adjacent to the Comstock in January of last year. The chief argument of the developers was that the building as proposed, conformed to all facets of the height and bulk requirements which are put forth as the so-called present controls. But for the wisdom of this Commission in denying the developers application for a building permit at that stage of the proceedings, the likelihood of yet another Tower of Shadow would have been imminent--this time with a proximity of some 40 feet from the west wall of the Comstock--shutting out light and air. The effect on the density of such a building upon the pursuit of living among all residents in the area was a prime factor in this Board's determination to not permit that project to be built.

"Members of this Board suggested on January 4, 1973 that a rezoning study be performed. The Comstock Board is in full agreement. During this study, there must be realistic controls otherwise more monuments to poor planning will be constructed."

Ian Campbell, 1333 Jones Street, remarked that lots of planning mistakes have been made in this country. In some communities, mistakes have been made which have led to "urban-sprawl." In San Francisco the major mistake which has been made has been to believe that the most economic thing to do is to build more and more high-rise buildings to house more and more people. Yet, the higher a building goes, the more it costs. Furthermore, we have recently been made aware that the earth's resources are finite; and it is questionable whether energy will be available to service high-rise buildings in the future.

Phillip Tucker, 1449 Washington Street, stated that he had moved to San Francisco from Memphis in 1972; and he remarked that the only thing that Memphis seems to have in common with San Francisco is high-rise buildings.

Jim Flack, 1360 Clay Street, expected that individuals speaking in opposition to the proposed reclassification would argue that the "down-zoning" would decrease land values. He stated that his own feeling was that zoning creates value; and what is given can also be taken away. He emphasized that the Commission and the legislative body of the city have the power to create zoning; and he felt that the citizens of the community should have a voice in determining what zoning is appropriate.

C. Edward Head, 12 Leroy Place, read and submitted the following statement:

"My name is C. Edward Head and I am President of the Nob Hill Association.

"Before I comment specifically on the proposed applications before you today, I would like to make several brief remarks about Nob Hill in general.

"We do not consider Nob Hill to be a neighborhood in the sense that one usually defines a neighborhood but rather a highly complex, highly urbanized residential-commercial area of the city that has, over the years, supported many lifestyles and ethnic mixtures of residents--from the very affluent to those who could possible be classified at below the poverty level.

"On the other hand, the area comprises a varied commercial mixture which runs from the great Cathedral to a pornographic movie house--from the grandest hotels to the lowest priced residence clubs--from the Pacific Union Club and Masonic Temple to a corner laundromat--from the finest French Cuisine to a drug store lunch counter and everything in between that one could imagine.

"Because of its history in this city, San Franciscans have always felt it to be something special and unique. Because of its world-wide fame, our visitors to this city expect the Hill to be different, somehow, from what they left behind at home.

"In considering the applications before you, we feel that we connot look at one person's view--or one building--or one block--or one street--or even just the area we know as Nob Hill. Because of the historical and economic importance of the Hill to all of San Francisco, we must judge these applications as to the over-all impact on the city itself.

"The goals of the Nob Hill Neighbors which you have heard today are those that the Nob Hill Association supports whole-heartedly. Among others, we too are opposed to pollution, congestion, noise, crime, health problems, traffic problems and fire hazards. We cannot accept the assumption, however, that tall buildings must contribute to these social ills.

San Francisco has an Urban Design Plan which was years in making, cost many hundreds of thousands of dollars and was adopted only after many years of neighborhood meetings with the planning staff. This Plan was voted into law in 1972.

"It is considered by many cities, both here and abroad, to be the most enlightened and reasonable approach to urban planning ever put together. The residents of this city should be proud, and the Planning Commission and Planning Staff should be complimented for such an accomplishment. The Nob Hill Association is proud to have been able to work with the Planning Staff on this plan and hope that we made a meaningful contribution.

"You are now asked, however, to discard this new Urban Design Plan before it even has had a chance to work.

"The Nob Hill Association is opposed to the applications before you today and request there be no changes in the present law at this time. We are confident that the present zoning and height limits should serve the Hill well and that we give the Urban Design Plan a fair chance before we discard it.

"Added control and protection is offered with the advent of the Environmental Impact Studies now required.

"As an additional control on Nob Hill, however, we would suggest an expansion of the Special Use District which is now in effect in the area bounded by California, Taylor, Sacramento and Mason Streets. This would give every resident on Nob Hill an opportunity to support or protest any proposed high-rises within the Special Use District.

"We are aware of the general deterioration on Nob Hill and plan to do whatever we can to reverse this trend. We do not believe that the proposed applications before you today will solve our problems. In fact, we believe that a height and density restriction such as that proposed might destroy the incentive to replace or improve older, substandard properties, thereby contributing to further deterioration on the Hill."

Vincent Friia, owner of property at 1200 Sacramento Street, stated that it was his opinion that the existing zoning on Nob Hill represented a satisfactory compromise.

Arnold Browning, 1055 Mason Street, read the following letter which he had previously submitted:

"I am writing in disfavor of nullifying present interim zoning controls. I believe that these controls were carefully devised after exhaustive studies and then approved by The Board of Supervisors of The City of San Francisco. I was glad to read in The San Francisco Chronicle, dated March 26, 1974 that you, Mr. Jacobs, said, 'The request will be given only a 'perfunctory' review now that the city has passed interim zoning controls, which place new limits on the size of apartment houses.'

:

"The San Francisco newspaper also stated that the Nob Hill Neighbors group proclaimed, 'Keep the sunshine on San Francisco's famous hill.' This is a catchy phrase, but let us not be caught by it. I am told by responsible persons that leadership in this new group is composed of occupants of Nob Hill's highest towers and its broadest block-buster type apartment houses. These buildings cut out light and sunshine for many modestly priced apartments. The great shadows are already with us. New construction could hurt the views of the present high rise buildings. This, I sincerely believe is the only concern of the leadership of the dissent group.

"May I suggest to the owners and occupants of these buildings that if they are so anxious to preserve their views, they should proceed to purchase air rights on strategic locations, as is the practice in other communities.

"No doubt the Nob Hill Neighbors group is partially composed of short term renters with no long term interest in San Francisco. The property that I represent has been in our family since 1905.

"The San Francisco newspaper also expressed the fear of some individuals that Nob Hill is going to look like New York City. This could be understood in a complimentary or derogatory way. New York has the very rich and the poor; San Francisco has also the middle class citizens. The top of our famous hill attracts the rich and the slopes can continue to attract the middle class. With new construction, more of the middle class can be lured to the city and locate where the proximity to dow.-town and the wonderful views are so desireable. Let us not be short sighted and limit growth of our truly great city.

"Let us have orderly development as has been provided and approved by our city fathers and let us not allow short term interest or selfishness to interfere with our goals."

Robert E. Patmont introduced himself as an attorney representing the American Hawaiian Steamship Company, owner of ground lot leases for 25,080 square feet of property located on the northeast corner of Sacramento Street and Sproule Lane. He advised the Commission that he also represented the Olin Corporation which is working directly with the American Hawaiian Steamship Company to develop a condominium apartment building on the property located at Sacramento Street and Sproule Lane. He remarked that the property with which he was concerned is well known to members of the City Planning Commission, having been the subject of hearings before the Commission on several occasions. Since the applications presently under consideration were being sponsored and supported by individuals who had previously opposed projects proposed for the Sacramento Street-Sproule Lane property, it seemed clear to him that the application was directed against that property for the purpose of preserving views presently enjoyed by those individuals. The situation reminded him of the definition of a "conservationist" as one who completed his cabin in the

forest yesterday while a "developer" is one who wants to start building his cabin today. He stated that his clients had already determined that the type of development which would be permitted by the proposed zoning would not be economically feasible on their site; and, since they had relied on the zoning then in effect when they purchased the ground lease, he felt that they should be allowed to proceed with an economically useful development under that zoning. He stated that the condominium apartment building which his clients proposed to construct would conform to R-4 density standards; however, in order to be economically feasible, the building would need to utilize the floor area ratio permitted by the R-5 zoning district. He remarked that the Sacramento Street-Sproule Lane site is a unique R-5 property insofar as it is located across the street from open-space and is not "boxed-in"; and the property is also unique insofar as it has traffic access from five streets. The property is located on the fringe of the area under consideration; and he did not feel that development of the property to R-5 standards would have a significant effect on the rest of the area. He also remarked that his clients will have to prepare an Environmental Impact Report for their project.

Commissioner Ritchie asked Mr. Patmont to be more specific about the effect which reclassification of his clients' property from R-5 to R-4 would have on the building being contemplated. Mr. Patmont replied that the reduction in floor area ratio which would accompany re-zoning of the property from R-5 to R-4 would reduce the amount of space in the proposed building from 220,000 square feet to approximately 134,000 square feet.

Gerald McCue, representing the Wilson Estate Company, owner of property located at 1401 Jones Street, stated that the most critical effect of the proposed re-zoning of his clients' property from R-5 to R-4 would involve the reduction of the floor area ratio permitted on the property. He believed that approval of the proposed "down-zoning" would effectively stop new development in the subject neighborhood; and he felt that the basic issue before the Commission was whether one area of the city which is located near the central core can be developed to a higher density than other residental neighborhoods.

Richard S. Jensen, Attorney for the 1260 California Street Corporation and for Mr. and Mrs. Steven Stills, tenants of property located at 1244 California Street, stated that he had had only 2½ days to prepare for the Commission's hearing; and, while the notice given by the Department may have met legal requirements, he felt that the notice was, in fact, inadequate. He indicated that both of the properties which he represented are developed with older buildings which may soon require substantial rehabilitation; and, since it appeared that rehabilitation would not be economically feasible under the proposed zoning, he felt that approval of the requested re-zoning might eventually lead to abandonment of the buildings.

Albert Monaco, Attorney for the owners of properties on the east side of Sproule Lane north of Sacramento Street, which persons formerly owned property on the west side of Sproule Lane also, spoke in opposition to the applications. He remarked that all of the other parcels of property at the crest of Nob Hill are already developed with the exception of the property located on the northeast corner of Sacramento Street and Sproule Lane; and he felt that one of the purposes of the proposed "down-zoning" was to block high-rise development of that property. He

noted that the proposal was being supported by Mr. Herzstein, who resides at 1170 Sacramento Street; and it seemed to him that Mr. Herzstein was indirectly trying to protect his own view. He also advised the Commission that 47 of the 72 occupants of 1170 Sacramento Street have purchased their apartments since the time that his clients' 99 year lease to the firm represented by Mr. Patmont was made a matter of record; and, therefore, they obviously knew that a high-rise development was being planned for that site at the time that their purchases were made. Under the circumstances, he did not believe that equity would be served by the proposed "down-zoning". Supporters of the application also seemed to be arguing that the proposed "down-zoning" was needed to alleviate traffic problems on Clay Street; however, having made a survey of the area, he was convinced that the traffice problems are caused by the fact that most of the existing buildings do not have off-street parking spaces for their tenants. Under the circumstances, he believed that the best way to solve the problem would be to encourage new developments in which off-street parking spaces would be provided so that Clay Street could function as an east-west traffic artery.

Commissioner Ritchie, noting that part of the property owned by Mr. Monaco's clients is zo ed R-4 while the remainder is zoned R-5, asked Mr. Monaco to comment further on what the effect would be if the entire property were re-zoned to R-4. Mr. Monaco replied that the lease held by Mr. Patmont's clients requires that the property be developed; and he felt that R-4 zoning would make development of the site economically infeasible. He believed that the vacant property should be developed to its maximum potential; and, while such a philosophy might sound capitalistic, he felt that capital does have some rights in this world.

William B. McCormick, 56 Pleasant Street, stated that he had lived on Nob Hill for 15 years and that he presently lives in an apartment building which has three flats. He felt that change should be permitted; and he remarked that he had understood that the Interim Residential Zoning Controls, which were recently enacted, were intended to discourage large-scale neighborhood rezoning requests such as the one which was presently under consideration. He felt that the best way to approach the situation in a logical manner would be for the Nob Hill Neighbors to compromise and to allow the City Wide Residential Re-zoning Study to be completed before changing the present zoning pattern on Nob Hill. In conclusion, he noted that that study is supposed to be completed in 2 years and 8 months.

Michael Carroll, Attorney for a trust which owns the property at 1244 - 50 California Street, stated that the property had been purchased by the trust in 1959 in reliance of the zoning which was then in effect; and he indicated that the zoning was confirmed by inclusion of the property in the R-5 zoning district when the new zoning ordinance was adopted in 1960. He stated that he did not feel that people have an inalienable right to preserve their views in existing high-rise buildings; and he remarked that the thrust of the present applications was considerably different from that of other major re-zoning applications in areas such as the Richmond district where the purpose of the re-zonings was to stop the construction of apartment buildings in areas which have a single-family residential character. He emphasized that Nob Hill is a high density neighborhood; and he felt that people must have been aware of that fact when they moved to the neighborhood. He believed that planning should be done by professional planners and not by neighborhood residents.

A member of the audience observed that he seemed to be the only Chinese person present; and he advised the Commission that he was very much opposed to the proposed reclassification. He stated that the Assessors' records show that 80% of the properties in the subject neighborhood are owned by Chinese-Americans who do not belong either to the Nob Hill Association or the Nob Hill Neighbors. He urged the Commission to vote against the proposed reclassification and to maintain the status quo.

The Secretary called attention to letters which had been received in support of and in opposition to the requested reclassification and indicated that he had been requested to read a letter from Dorothy Fritz-Cope, as follows:

"We would like to voice our objection on the Application to Change Zoning Classifications #ZM73, 29, and ZM73.19. San Francisco has spent over $285,000.00 along with 10 years of study and public hearings to create the San Francisco Urban Design Plan, which has won national acclaim. To abruptly toss this fine plan out and adopt piecemeal zoning would be a shame. The City Planning Commission and its staff have worked such long tedious hours to give us a plan to eliminate just the kind of spot zoning that will be recommended to the Commission at the forthcoming hearing on March the 28th.

"In addition, San Franciscans must remember that we can depend on the 'discretion' of the Planning Commission to deny requests for Applications of Special Variances. Furthermore, the City Planning Department now requests an Environmental Impact Study be made on any building applications presented to the City.

"We believe the present plan should be given a chance to work. We respectfully request that these Applications be denied."

Vice President Porter, noted that the hearing was concluded, asked the members of the Commission if they wished to take action on the applications at the present time or if they wished to defer action until a full Commission is present.

Commissioner Rueda felt that a bad precedent would be established if the Commission were to defer action until all members of the Commission were present; and, therefore, he moved that the Commission proceed to act on the applications during the present hearing. The motion was seconded by Commissioner Mellon. When the question was called, the Commission voted unanimously to proceed to act on the two subject applications during the present meeting.

Commissioner Ritchie read the following statement:

"Several speakers, opponents of the application, have singled out one or two individuals for attack, or criticism, because of the specific locations of their apartments.

"I would like to comment that every person almost always has at least one personal reason, or condition, for joining into an issue

such as this, and appearing here. But, in a larger sense, I think that all who have spoken today have done so with the over-all good of the entire neighborhood in mind, and I am sure that much time and research has been given to the serious problems before us by each speaker, both pro and con. Therefore I would like to make objection to the singling out of any particular owners for condemnation or criticism by any of the speakers. Remember that the person you have opposed or criticized may have reasons just as sound as yours for his position."

Allan B. Jacobs, Director of Planning, gave the following recommendations:

"As stated earlier, you have been considering two separate applications, one related to height and bulk, the other to basic land use. Thus two separate actions are required of the Commission.

"On the first application related to height and bulk, I recommend DISAPPROVAL because 1) The existing height limits now in effect were only recently adopted by the Board of Supervisors in 1972 after extensive well advertised public hearings by both the Commission and the Board 2) The existing height and bulk districts for Nob Hill are in keeping with the building height and bulk guidelines contained in the Urban Design Element of the City's Master Plan. Basically, I believe the existing height limits for Nob Hill are appropriate for this downtown, hill top residential area.

"On the application to reclassify to R-4 that portion of the subject area zoned R-5 and to reclassify to R-3.5 that portion zoned R-4 I recommend APPROVAL of the reclassification from R-5 to R-4 , with the exception of lots 9, 10, 11, and 33 in Block 222; and DISAPPROVAL of the reclassification from R-4 R-3.5. 1) Other than disapproval of the R-3.5 proposal would be inconsistent with my recommendation that the present height limits be retained as the R-3.5 district carries with it height restrictions that would be inconsistent with the existing height limits. 2) The residence element of the Master Plan calls for high density residential development on Nob Hill; R-4 zoning would be consistent with this designation R-3.5 would not. 3) R-3.5 standards are more restrictive than much of the existing development on Nob Hill, but few buildings exceed R-4 standards. 4) There appears to be little City need for R-5 standards of development in the subject area. 5) The high density that could occur under R-5 if on a neighborhood wide basis would result in severe congestion of streets in the area with adverse effect on access to private property and possible lack of ability to give adequate protection from fire and other dangers.

"This recommendation is based upon the present options permitted by the existing provisions of the Planning Code. However as the Commission knows the Department will be conducting a city-wide residential zoning. During this study the Department will be taking another

look at Nob Hill, and this study which may result in recommendations to modify many of the zoning standards presently applicable to Nob Hill."

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 7168 be adopted and that application ZM73.19, involving Height and Bulk Reclassifications, be disapproved.

Mr. Monaco asked if it would be possible for the Commission to re-zone Block 34 and Block 222 from R-4 to R-5. The director replied in the negative, indicating that the nature of the subject application would not permit the Commission to change existing R-4 zoning to R-5.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Ritchie, and carried unanimously that Resolution No. 7169 be adopted and that application ZM73.29 be approved in part and disapproved in part as recommended by the Director of Planning.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

5 #10
4/4/74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 4, 1974.

The City Planning Commission met pursuant to notice on Thursday, April 4, 1974, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, and Thomas J. Mellon, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs Director of Planning; George A. Williams, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); John Phair, City Planning Coordinator; Daniel Sullivan, Planner IV (Zoning); Joseph Fitzpatrick, Planner III; Calvin Malone, Planner III; Marie Zeller, Planner III - Administrative; Carl Ness, Planner II; Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner and Dan Borsuck represented the San Francisco Progress.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, distributed a newly printed information manual and forms for disclosure of economic interests as required by State law.

The Director continued his report as follows:

"Before you is a list of nine projects which are proposed for inclusion in the supplemental report to the Capital Improvement Program report of January 20, 1974. The list contains projects which are included in the regular budget but which were submitted too late for inclusion in the Commission's January 20 report, supplemental budget submissions and additions to the proposed bond program.

"The list contains several significant projects. The project for the Performing Arts Center represents the second of five $1.0 million increments which the City has proposed to allocate to the project. At this time, project planning has not advanced sufficiently enough for any detailed design review. For this reason, I wish to call the Commission's attention to the policy statement which is included for this item.

"Under the Department of Public Works, a project is being proposed for the Rehabilitation Assistance Program to provide first phase specification funds from gas taxes for the project. The construction

phase, which will go forward in later years, will provide for sidewalk narrowing, street corner extensions, islands, drainage, street lighting and street landscaping as part of the City's contribution to the Upper Ashbury and Inner Richmond program areas.

"Several bond proposals are included in the supplemental report. With the exception of the Yerba Buena Center revenue bond, the proposals are included in the report to meet the administrative code requirement that a bond proposal must appear in the Commission's report for at least two years prior to its submission to the electorate. With planning work underway for each of these proposals, it seem desirable to include them in the program at this time.

"If there should be any questions regarding these projects, I would be happy to answer them."

After discussion it was moved by Commissioner Farrell, seconded by Commissioner Mellon and carried unanimously that the projects be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

The Director recommended the adoption of a draft resolution which he had prepared to request a supplemental appropriation of $500 to permit one member of the staff as well as one member of the Commission to attend the annual conference of the American Society of Planning Officials to be held in Chicago, Illinois, from May 11 through May 16. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Mellon and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7170.

The Director reported that the Department of City Planning's budget for the next fiscal year had been reviewed by a sub-committee of the Board of Supervisors last Thursday night.

The Director then read the following statement:

"As you will recall, the Commission last December authorized the expenditure of a HUD $3500 grant and the signing of a contract with Sedway/Cooke to prepare a reuse plan for the Hunters Point Shipyard. The study was begun in January and should be completed in June.

"The proposed plan is intended to provide background data as well as land use and circulation guidelines for the reuse of the Shipyard. The plan will enable us to assist the Mayor's Office of Economic Development, which has the major responsibility concerning the conversion of the Shipyard to civilian uses. Although the Shipyard is included in the South Bayshore Element of the Master Plan, much of it is there designated as 'Housing, Common, and Personnel Support Facilities--Naval Shipyard.' The Shipyard is zoned P and M-1.

"The consultants are here today to give us a progress report upon completing Phase I of the contract work which has primarily dealt with policy surveys and the assembly of data leading to the identification of land use options.

"I'd like to introduce Arthur Goldman and Jim Bottors of Sedway/Cooke and Dick McElyea of Development Research Associates (who is working with Sedway/Cooke preparing economic evaluations).

"Art Goldman will be presenting the progress report."

Following the progress report, the consultant responded to questions raised by members of the Commission.

Carl Ness, Planner II, presented and summarized a statistical profile report on the South of Market area. The report is available in the files of the Department of City Planning.

Lee Meyerzoze, Co-chairman for the Central City Coalition, stated that his group regarded the proper southern boundary of the South of Market area to be 16th Street at the foot of Potrero Hill; and he noted that the southern boundaries of the area studied by the staff coincided roughly with the central skyway and the China Basin Channel. He also expected that the staff would proceed to publish a report which would recommend changes of zoning in the South of Market area to permit housing to be constructed in the neighborhood; and he requested that people from the neighborhood be allowed to participate in the writing of the report instead of being placed in a position of reacting to something prepared entirely by the staff.

The Director stated that the report which had just been presented to the Commission was simply a statement of facts; and, as a result, the staff had not worked with the community as the report was being prepared. However, as the staff becomes involved with actually planning for the South of Market area, he assured the Commission that members of the community would be involved.

Mr. Meyerzoze felt that the factual data contained in the report could have been presented in a different way which would have given a better picture of the community. He remarked that Filipinos were not mentioned in the report; and he believed that the data could have reflected the community's aging problem and its youth problem.

The Director reminded the City-wide Comprehensive Plans Committee (Commissioner Newman, Mellon, Ritchie) of a meeting scheduled next Thursday, April 11, 1974, at 12:00 noon.

ZM74.3 - 2471 - 73 WASHINGTON STREET, SOUTH LINE, 91.5 FEET EAST OF FILLMORE STREET
R-3 TO A C-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular lot with 54.5 feet of frontage on Washington Street and a depth varying from 48.19 feet on the westerly property line to 97.69 feet on the easterly property line. He stated that the boundary of the C-2 district bisects the subject lot, leaving 2,246.8 square feet of the property in an R-3 district and 1,517.9 square feet of the property in the C-2 District. The subject application requested reclassification of the R-3 portion of the property to C-2. Mr. Steele stated that the R-3 portion of the property is developed with two dwelling units and a garage and that the C-2 portion of the property is developed with a dwelling. He stated that it was his understanding that the applicant wished to convert the dwelling units into offices for psychiatrists; however, if the R-3 property were to be classified to R-2, the property could be used not only for psychiatrists' offices but for any of the commercial activities permitted as principal uses in the C-2 district.

James S. Malott, the applicant, stated that there was no way in which the building on the R-3 portion of the property could be used for offices unless the subject application were approved since medical offices cannot be authorized as conditional uses in an R-3 district. He remarked that a number of similar uses presently exist on Webster Street; and he did not feel that psychiatric offices, which would actually serve residents of the neighborhood, would have any damaging effect on the neighborhood.

President Newman stated that he had received a telephone call from the owner of the property located to the east of the subject site advising him that he had no objection to the reclassification proposal. He had also received a letter from William H. Gilmartin, 2224 Clay Street, which read as follows:

> "I will be unable to attend the April 4 meeting at which time the Commission will consider ZM 74.3 relating to expansion of commercial zoning on the property situated at 2471-2473 Washington Street.
>
> "When we were having extensive meetings with the Planning Staff relative to Pacific Medical Center one thought was firmly impressed on my mind, namely that the neighborhood should be vigilant regarding the expansion of commercial zoning. While this requested expansion is not hospital oriented I am opposed to it since once a breakthrough is allowed it will be difficult to stop the next attempt, and there certainly will be others.
>
> "I hope that you and your fellow directors will reject the expansion requested under ZM 74.3 and thus help maintain the residential character of the neighborhood."

The Secretary called attention to nine letters which had been received in opposition to the subject application, including a letter from the Pacific Heights Association.

Commissioner Porter stated that it was her understanding that use of the property could not be restricted to psychiatrists' offices if the application for reclassification of the property to C-2 were to be approved. The Director confirmed that Commissioner Porter's understanding was correct.

John Kirkpatrick, 2332 Washington Street, represented the Pacific Heights Association. He stated that his organization was opposed to the proposed reclassification for several reasons. They feared "creeping" commercialism in their neighborhood; and, in that regard, he felt that it was interesting that the owner of the property to the east of the subject site had indicated that he was not opposed to the applicant's request. He felt that it was likely that the other owner does not reside on his property; and he assumed that that property owner would wish to obtain commercial zoning for his property, also, if the subject application were to be approved by the Commission. Mr. Kirkpatrick emphasized that a commercial district already exist on Fillmore Street in which psychiatrists' offices are permitted as a permitted use; and, in conclusion, he stated that he feared that a more intensive commercial use would inevitably take advantage of commercial zoning on the subject property if the subject application were to be approved by the Commission.

A resident of Washington Street represented the Pacific Heights Neighborhood Council. While she acknowledged that the applicant had improved the appearance of the subject property, she stated that her organization was opposed to the proposed reclassification.

Mrs. Arthur Bloomfield, 2329 Webster Street, emphasized that the Commission had already approved reclassification of a number of R-4 properties in the neighborhood to R-2; and she noted that the Commission's previous recommendations had been returned by the Board of Supervisors for further consideration at a hearing scheduled to be held on April 18. She stated that residential uses far out-weigh the number of commercial uses in the area; and she remarked that the C-2 portion of the subject property is the only property fronting on Washington Street between Franklin and Divisadero Streets which is actually used commercially. She informed the Commission that residents of the subject neighborhood were opposed to any extension of existing commercial zoning in the area; and she indicated that she was glad that Commissioner Porter had pointed out that use of the property could not be restricted to psychiatric offices if the application were to be approved. She stated that it was her understanding that the entire parcel of property had been leased by one tenant who intended to sub-lease the building on the R-3 portion of the lot since it could not be sound-proofed to accommodate his needs. Since the building would be rented in any case, it seemed to her that it should make little difference whether the building is rented for residential or office use. A sub-lease for office use might bring more revenue to the principal lease-holder; but it would bring additional inconvenience to the neighborhood.

Mr. Steele recommended that the application be disapproved. He stated that Fillmore Street serves as a principle commercial frontage in the subject neighborhood; and he felt that approval of the subject application could establish a precedent for commercial expansion away from the Fillmore commercial area and into the residential area along Washington Street. He indicated that the split-lot zoning that presently exists on the subject site had resulted from cutting off the rear portion of the commercial lot which principally fronts on Fillmore Street and merging that cut-off portion with a residential lot fronting on Washington Street so that the split-lot zoning is a natural consequence due to action by the owner of the property involved at the time. He remarked that the applicant had not demonstrated that the public necessity, convenience or general welfare requires reclassification of the property; and, finally, he noted that elimination of the two dwelling units which presently exist on the residentially-zoned portion of the lot would conflict with the residential element of the Master Plan in that it would reduce the city's existing housing stock.

Mr. Malott remarked that any future proposal for intensive commercial use of the property could be made the subject of a discretionary review before the Commission. In the meantime, he felt that use of the property for medical offices would not have any detrimental impact on the neighborhood; and he emphasized that there would be no way of using the R-3 portion of the property for medical offices unless the subject application were to be approved. He pointed out that the Presbyterian Medical Center has a large parking garage; and he noted that public transportation to the subject property is excellent. Under the circumstances, he did not feel that the proposed use of the property would result in any traffic or parking congestion. In conclusion, he stated that substantial remodeling would be required to provide necessary security for the residentially-zoned portion of the property if that portion of the property were to remain in residential use; and he believed that the remodeling required would render the building uneconomic if only residential tenants were to be accommodated.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7171 be adopted and that the subject application be disapproved.

The meeting was adjourned at 3:45 p.m.

Respectfully submitted

Lynn E. Pio,
Secretary

55
10
11/74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 11, 1974.

The City Planning Commission met pursuant to notice on Thursday, April 11, 1974, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Edward I. Murphy, Assistant Director of Planning; Samuel Jung, Planner IV; Edward Michael, Planner III; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Don Borsuck represented the San Francisco Progress.

1:00 P.M. Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties in Pacific Heights which will be the subject of a zoning hearing to be held on April 18, 1974.

2:15 P.M. 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the minutes of the meetings of February 21 and March 21,1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that the City Attorney's office had advised that the requirement for filing financial disclosure forms has been stayed pending final determination of a lawsuit appealed to the State Supreme Court.

President Newman asked if the City Attorney's office would render that opinion in writing. The Director replied that he had been promised that a written opinion would be forthcoming.

The Director continued his report with the following statement:

"Two weeks ago the City Planning Commission took under advisement consideration of the preparation of a subdivision ordinance for San Francisco that would include condominium subdivisions and conversions. At that time it was estimated by staff that such an ordinance could be prepared and enacted within a minimum period of from four to six months with the joint help of the City Attorney's office and the Department of Public Works.

"A draft condominium moratorium ordinance was recently submitted to the Board of Supervisors by the Park Merced Residents Organization, prohibiting, for a specified six month period, the conversion of existing apartment buildings to condominiums. Apartments having ten or more units would fall under this moratorium. This draft moratorium ordinance will be considered by the Planning, Housing and Development Committee next Tuesday, April 16th. Mr. Michael Carroll, representing the Park Merced Resident Organization, has requested permission of the Commission to speak on this proposed moratorium ordinance this afternoon.

"If the Commission favors, it might hear from Mr. Carroll now and then I am prepared to make recommendations on this matter.---"

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

Mr. Carroll advised the Commission that there are legal precedents for the proposed moratorium ordinance insofar as similar ordinances have already been adopted by San Jose, Tiburon, and Palo Alto. He felt that there is a compelling need for such an ordinance in San Francisco to prevent conversions until proper controls have been drafted to govern such conversions. Although the proposed moratorium ordinance had been drafted to apply to all conversions of buildings containing more than 10 dwelling units, he stated that the figure of 10 dwelling units was arbitrary; and he indicated that he would be willing to accept any modification of that figure which might be recommended by the Director of Planning, providing that the figure selected would be less than the number of units in Park Merced.

In conclusion, he requested that the Commission endorse the proposed moratorium.

Commissioner Fleishhacker asked if the moratorium would be effective as of the date that it is signed by the Mayor. Mr. Carroll replied in the negative, indicating that he had been advised that it could not be treated as "emergency" legislation.

The Director offered two recommendations, as follows:

"1. That my staff procede with the staffs of the Department of Public Works and the City Attorney's office to draft a subdivision ordinance that would include condominiums as a section thereof;

"2. That the City Planning Commission endorse in principle this first draft moratorium ordinance with the recommendation to the Planning, Housing and Development Committee that consideration be given to raising the number of units to be exempted to 25 rather than 10 as presently drafted."

President Newman asked if interested members of the public would be invited to participate in the drafting of the sub-division ordinance.

The Director replied that the public would be invited to participate in public hearings before the City Planning Commission and the Board of Supervisors once the draft ordinance has been prepared.

Commissioner Ritchie, noting that the proposed moratorium ordinance had been drafted by one party to a dispute, suggested that it might be preferable for the Commission to draft and ordinance of its own rather than to endorse the one which had just been presented. Otherwise, it seemed to him that it might appear to the other party to the dispute that the Commission had acted in haste.

Edward I. Murphy, Assistant Director of Planning, stated that the proposed legislation had been drafted by the Park Merced Residents Organization with assistance from Mr. Kenealey of the City Attorney's office; and the legislation had been introduced into the Board of Supervisors for formal consideration. Under the circumstances, he saw no reason for the Commission not to endorse the legislation if it was in agreement with the basic content of the legislation which was to establish a 6 month moratorium. After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the first draft of the moratorium ordinance be endorsed in priniciple with the recommendation that consideration be given to raising the number of units to be exempted to 25 rather than 10 as in the present draft. Commissioner Mellon abstained from voting on this matter because of a possible conflict of interest.

The Director then asked if the Commission wished him to proceed with the drafting of a sub-division ordinance, working with the staffs of the Department of Public Works and the City Attorney's office. The Commissioners replied in the affirmative.

Commissioner Ritchie stated that he had received a resolution from the Human Rights Commission requesting that the City Planning Commission include and correlate racial and ethnic data in its housing and residential studies and reports. He asked if that request could be fulfilled.

The Director replied that the Department has and will continue to provide such information to the best of its ability.

President Newman directed that a response be prepared to the Human Rights Commission advising that such information will be provided whenever possible.

Commissioner Porter stated that she had received a letter from Toby Levine, President of the Mission Planning Council, requesting that the Commission and the Board of Education work closer with the Mission community in preparing plans for development of a school on the Regal Pale site at 20th and Harrison Streets. The Director stated that the staff of the Department of City Planning is studying the request.

R74.10 - OFFICIAL SIDEWALK WIDTHS: FRANCISCO BAY OFFICE PARK. BAY AND MONTGOMERY STREETS.

Samuel Jung, Planner IV, reported on this matter as follows:

"Bay Street between Kearny and The Embarcadero has not had an official sidewalk width. The proposed width, 8 feet, would maintain the same road width as exists west of Kearny. The Francisco Bay Office Park development on this block will maintain a 15-foot setback and provide a 12-foot sidewalk abutting the building. The remaining 3 feet and the 8-foot official sidewalk area will be landscaped and will extend the double row of trees from the sewage treatment plant block west of Kearny.

"On Montgomery Street from Francisco to Chestnut sidewalks are officially 15 feet wide. It is proposed to widen Montgomery's roadway by three feet and to add

3 feet of sidewalk on Francisco Bay property, thus retaining the 15-foot walk but changing the official width to 12 feet. An additional 11-foot landscaped setback will be provided along the building. The reason for widening the road is to permit a reasonable road width (11-1/2-ft. lanes) and parallel parking on both sides. The proposed width, 37.75 feet, is 3 feet narrower than Francisco Street's width.

"Because Bay Street is designated as a major thoroughfare in the Plan for Transportation, it would not be desirable to establish a sidewalk width which would narrow the roadway at its mouth. The provision of a wide sidewalk on private property is consistent with Policy 1, Objective 3, of the Plan to 'widen sidewalks where intensive commerical, recreational and institutional activity is present.' This applies also to Montgomery Street, hence the developers were required to furnish a 15-foot sidewalk even though three feet will be on their property."

Allan B. Jacobs, Director of Planning, recommended that the sidewalk widths being proposed be approved as in conformity with the Master Plan.

No one was present in the audience to be heard on this matter.

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that the Director be authorized to report that the establishment of an official sidewalk width of 8 feet on the south side of Bay Street between Kearny Street and the Embarcadero and that the change of the official sidewalk width on the east side of Montgomery Street between Chestnut and Francisco Streets from 15 feet to 12 feet are in conformity with the Master Plan.

R74.14 - WATER DEPARTMENT SURPLUS LAND AT SANTA BARBARA AVENUE AND COUNTY LINE.

Samuel Jung, Planner IV, reported on this matter as follows:

"Part of an abandoned pipe line right of way 20 feet wide remains on both sides of Santa Barbara Avenue at the County line. A segment of the right of way immediately west, fronting to Santa Cruz Avenue, was declared surplus and sold in 1957 to the owner of the abutting parcel on the north. Farther west the right of way is still in use.

"At Santa Barbara Avenue the right of way is diagonal to the street and also crosses into San Mateo County. It is proposed to break the segment at the county line into two parcels to be sold to the abutting owners, giving a better back yard to the house inside San Francisco, and giving 22-foot frontage to the triangular vacant lot in Daly City. The lot currently has no frontage.

"The segment on the east side of Santa Barbara Avenue could be sold to either abutting owner. It might be advantageous to also split this segment in a way that will help square up the angular adjoining parcels. The right of way has no potential for public use due to its shape and location. Its best use is to foster low-density residential development, as designated for this area in the Comprehensive Plan for Residence."

Allan B. Jacobs, Director of Planning, recommended that sale of the surplus right-of-way to abutting parcel owners be approved as in conformity with the Master Plan.

No one was present in the audience to be heard on this matter.

Commissioner Fleishhacker stated that he assumed that the city has abandoned the concept of constructing a pipeline in the area. Mr. Jung replied that the pipeline has already been built on a different alignment.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the Director be authorized to report that the sale of Surplus Water Department right-of-way to abutting parcel owners only, located on both sides of Santa Barbara Avenue at the county line and shown on PUC Drawing B-3530, is in conformity with the Master Plan.

R74.15 - ARMY STREET WIDENING BETWEEN CASTRO AND DIAMOND STREETS.

Allan B. Jacobs, Director of Planning, reported on this matter as follows:

"The Director of Property has forwarded for Master Plan review a proposal to accept title to a 14-foot strip on the north side of Army Street mid-block between Diamond and Castro Streets.

"Army Street has never been constructed in this block due to topographic problems, however asphalt driveways have been built on much of its length to serve the developed properties.

At the middle of the block the south property line is 30 feet higher than the north one, and a steep slope occupies most of the street's width. Rather than to bear the expense of building a retaining wall and widening the road within the present right of way, the developer of the property on the north side of the street proposes the widening occur on a 14-ft. strip he would add to the street's width.

"The design proposed by DPW provides a 24-foot wide roadway at each end and 26 feet in the middle section, with a 6-foot sidewalk. A retaining wall will still be required along the south side, varying from two to ten feet in height. The excessive height occurs for a short distance, and could be reduced with minor design changes.

"The zoning is R-1 along the proposed widening and to the west. To the east is R-3 zoning and a rambling apartment structure which uses this road for access. Seven single-family homes can be built along the strip, and if they have double garages, there will be nostreet parking except along the retaining wall. For this reason it is important to provide a road of sufficient width to allow the parking strip, and 26 feet would be the minimum required to do so. The resulting lot depth, 100 feet, permits legal lot size.

"Acceptance of the deed to this strip is in conformity with the Master Plan in that it will enable low-density residential development in accordance with the Plan for Residence."

Concluding his report, Mr. Jung stated that he had learned that morning that the Department of Public Works will not proceed with construction of the roadway until another parcel of private property is donated for the right-of-way. Furthermore, the project will be carried out only if the costs are found to be reasonable.

Allan B. Jacobs, Director of Planning, recommended that acceptance of the deed to the property be approved as in conformity with the Master Plan.

No one was present in the audience to be heard on this matter.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the Director be authorized to report that acceptance of the deed to a 14-foot strip on Army Street between

Castro and Diamonds Streets, as shown on Bureau of Engineering map A-17-114, is in conformity with the Master Plan.

LM74.3 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE PACIFIC UNION CLUB AT CALIFORNIA AND MASON STREETS AS A LANDMARK.

Commissioner Fleishhacker asked if the staff was aware of any opposition to the proposal to designate the building as a landmark. Edward Michael, Planner III, replied in the affirmative. He stated that a representative of the Pacific Union Club had appeared before the Landmarks Preservation Advisory Board to protest the designation; and he indicated that a letter had been received for the Commission earlier in the day from Robert E. Burns, President of the Pacific Union Club, in opposition to the proposed designation.

President Newman read the letter which had been received from Mr. Burns, as follows:

"The Pacific Union Club has stated its position of opposition to the designation of its property as a landmark in its letter dated Febrary 27, 1974 to the Landmarks Preservation Advisory Board. A copy of that letter is enclosed.

"We request that this letter and our letter to the Landmarks Preservation Advisory Board be made a part of the record in this proceeding."

President Newman then read the letter which had been addressed to the Landmarks Preservation Advisory Board, as follows:

"The Pacific-Union Club wishes to record its opposition to the designation of its property as a landmark of the City and County of San Francisco. Without detailing all of the grounds of our opposition, we submit that the designation is an improper restraint on the alienation of the property and that it also amounts to a deprivation of the use of the property.

"We wish to express our appreciation to the Board for the courtesies extended to us and request that this letter of opposition be made a part of the record in this proceeding."

Mr. Michael briefly summarized the history of the building and explained why the Landmarks Preservation Advisory Board had recommended that it be designated as a landmark.

Commissioner Fleishhacker remarked that the Landmarks Preservation Advisory Board's case report on the building contained a number of undocumented statements; and he indicated that he would be reluctant to refer to such statements in the Commission's resolution.

Commissioner Ritchie noted that the Landmarks Preservation Advisory Board's case report on the building stated that the site is listed on the National Registrar of Historic Places and has been designated a national historical landmark by the United States Department of the Interior. Thus, the building had already be recognized as a landmark; and he felt that it should be designated as a landmark under the local ordinance.

Mr. Burns, who was present in the audience, stated that the Pacific Union Club's opposition to the proposed designation was based generally on the fact that imposition of landmark status on the property would place a clear restraint on the alienation of the property, hindering the owners' ability to sell. Lanmark designation would also place restrictions on the use of the property and would hinder improvements which might or should be made. He also believed that designation of the building as a landmark would constitute a form of taking up property without just compensation. While it was true that the building had been designated by the Department of the Interior as a landmark, he remarked that such designation had not imposed any restrictions on the property or on the use of it. He stated that the Pacific Union Club has no intention of selling the property nor of devoting it to another use; however, in case the club should wish to sell the property in the future, landmark designation would mean that the city could delay the sale for a year or more. He emphasized that the Pacific Union Club had maintained the building to the extent possible in its orginal state; and he indicated that the club intented to continue to maintain the building. As a result, he felt that designation of the building as a landmark would be completely unnecessary and would only bring about extensive interference with the club's freedom to use the property.

No one else was present to speak in opposition to the proposal.

Commissioner Porter stated that she was sympathetic with the statement which had been made by Mr. Burns; and she remarked that no one wants to be subjected to additional legal restrains. However, the City Planning Commission is responsible for administration of the Landmarks Preservation Ordinance and has excercise its responsibility to recommend the designation of a number of different buildings as landmarks. She felt that if there are any beautiful landmark buildings in San Francisco, the Pacific Union Club must head the list; and, for that reason, she moved that the building be designated as a landmark.

The motion was seconded by Commissioner Ritchie. He stated that he agreed with the statement which had been made by Commissioner Porter. He further remarked that the San Francisco Landmarks Ordinance is actually very weak. However, the purpose of the ordinance is to protect buildings of architectural or historic merit; and, in view of the fact the Pacific Union Club has both historic and architectural significance, he felt that no one could deny that it should be designated as a landmark. He stated that the building had been considered before the Landmarks Preservation Advisory Board a number of years ago; however, since the building appeared to be in no danger at that time, the Board had deferred action so that it could concentrate on buildings which were more likely to be threatened. While the building had escaped designation at that time, he felt that designation of the building as a landmark was inevitable..

Commissioner Fleishhacker stated that the argument which had been made by Mr. Burns really was directed more against the existence of the Landmarks Ordinance than it was against designation of the Pacific Union Club as a landmark, given the existence of the ordinance.

Mr. Burns stated that he was opposed to the Landmarks Ordinance only to the extent that it affects the Pacific Union Club.

Commissioner Fleishhacker remarked that the Landmarks Ordinance does, in fact, exist; and he indicated that the members of the Commission have sworn to uphold the law. The issue presently under consideration by the Commission was whether the Pacific Union Club is or is not a genuine landmark; and, if the building is a landmark, he felt that the Commission was compelled to uphold the law and to recommend that it be designated as a landmark. He believed in all honesty that the fears which had been expressed by Mr. Burns were somewhat illusory or imaginary; and he remarked that the Commission had heard similar arguments on several occasions in the past. On the other hand, some property owners have realized that landmark designation is in the best interest of the citizens of San Francisco and have wanted their buildings to be designated as landmarks. He believed that the members of the Pacific Union Club, who are a reasonably representative group, should favor the preservation of their building as being in the best interests of the community. He stated that he did not see how the Commission could say that the building is not a landmark; and, therefore, he intended to vote in support of the motion which had been made by Commissioner Porter.

President Newman stated that the Commission does have a responsibility to preserve and protect the city's landmarks. He noted that the members of the Landmarks Preservation Advisory Board had voted unanimously to recommend that the Pacific Union Club be designated as a landmark; and he believed that

the building is one of the city's most important landmarks. Designation of the building as a landmark would have no effect other than to delay demolition of the structure for as long as one year; and he indicated that he supported that objective of the ordinance.

Commissioner Mellon emphasized that Mr. Burns had stated that the Pacific Union Club has no intention of selling its building; and, therefore, designation of the building as a landmark should be no problem in that regard. However, he wondered how landmark designation would affect the club's flexibility in maintaining the building. Mr. Michael replied that controls under the Landmarks Ordinance extend only to exterior alterations where permits are required; and, since no permits are required for painting, designation of the building as a landmark would not affect routine maintenance of that sort.

Commissioner Ritchie emphasized that the only real effect of designation would be to delay the issuance of a building permit for up to one year. He remarked that some people, including himself, believed that owners of landmark buildings should have no right to demolish their buildings; and, in that regard, he felt that the San Francisco's Landmarks Ordinance is really very lax.

Mr. Burns stated that viewpoints of that sort were one of the reasons that the Pacific Union Club was objecting to the proposed designation of its building as a landmark. If legislation were to be passed specifying that landmark buildings cannot be demolished, the effect on such a law would be a total taking of property without just compensation.

Commissioner Porter stated that she did not agree with the viewpoint which had been expressed by Commissioner Ritchie; and she doubted that any city in the country has an ordinance which prohibits the demolition of landmark buildings. However, she did feel that it is unlikely that the Pacific Union Club will be demolished in the forseeable future.

Commissioner Fleishhacker again requested that the Commission's resolution of approval not be referenced directly to any of the unsubstantiated statements contained in the Landmarks Preservation Advisory Board's case report.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7172 and to approve the proposal to designate the Pacific Union Club as a landmark.

CURRENT MATTERS, CONTINUED

The Director stated that he had met earlier in the afternoon with people who were concerned about the demolition of the old Sutro Mansion on the Transmitter tower site on Mt. Sutro; and he had confirmed that demolition of

the building was required by the resolution which was adopted by the Commission when it had approved construction of the transmitter tower. He had advised the concerned citizens that they could appeal the issuance of the demolition permit to the Board of Permit Appeals; however, one of the individuals had requested permission to address the City Planning Commission on the matter.

Jamie Jamieson stated that he had tried to inspect the site earlier in the day but had not been allowed to approach the building; and he hoped that the Commission could be of assistance in obtaining permission for him to inspect the premises. He felt that the building should be saved.

After discussion, the Commission suggested that Mr. Jamieson should promptly appeal the issuance of the demolition permit to the Board of Permit Appeals; and it requested the staff of the Department of City Planning to work with the Landmarks Preservation Advisory Board to determine whether the building is, in fact, a landmark. If a determination is made that the building is a landmark, the Commission indicated that it would take prompt action on the matter.

The Director stated that the Department of City Planning has no power to obtain permission for Mr. Jamieson to inspect the building since it is privately owned.

The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of Regular Meeting held Thursday, April 18, 1974.

The City Planning Commission met pursuant to notice on Thursday, April 18, 1974, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Peter Svirsky, Planner V (Zoning); Marie Zeller, Planner III-Administrative; Lawrence Johnson, Planner II; Russell Watson, Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuck represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the minutes of the meetings of March 7 and 14, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Commission of a Field Trip to be held next Thursday at 1:00 p.m. to visit properties to be considered during the Zoning Hearing scheduled for May 2.

The Director reminded the Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) of a meeting scheduled next Friday, April 26, at 12:00 Noon.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), distributed copies of a draft resolution which he had prepared to modify Resolution No. 7151 to permit the Zoning Administrator to hold preliminary hearings for Conditional Use Authorization for all residential care facilities. He explained that the previously adopted resolution had authorized him to conduct preliminary hearings only in cases where a facility has had 6 or fewer clients. The Director recommended that the draft resolution be adopted. After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7173.

Mr. Steele stated that letters had been received from Marvin Edwards, President of the Alamo Square Association, and John Kappel, 1119 Broderick Street, requesting the Commission to undertake a discretionary review of plans for an apartment building proposed for the southeast corner of Hayes and Steiner Streets. He advised the

Commission that the permit application for the building had been filed on October 11, 1973; and the Department of City Planning, on February 13, 1974, had approved plans which reflected modifications which had been suggested by the staff of the department, the Alamo Square Association, and a concerned neighbor. Mr. Steele stated that he personally had reviewed the plans and had met with the applicant who had agreed that the building would be constructed in conformance with the plans and that it would comply with the height limit applicable to the site. Therefore, he recommended that the request for discretionary review be denied. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Mellon and carried unanimously that the request for discretionary review be denied.

The Director continued his report with the following statement:

"In accordance with the provisions of the Planned Unit Development, approved for The Waterfront condominuum housing development at the foot of Telegraph Hill, detailed plans for the second phase fo this 3 phase project have been prepared and are being presented to you today for your review. The plans show 3 buildings, 84 feet in height, and containing approximately 263 units. The Department staff finds these plans in conformity with the intent of the preliminary plans submitted with the application for The Planned Unit Development, neighborhood representatives have reviewed these detailed plans and have expressed approval of them. The architects are here to answer any questions you may have."

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that the detailed plans for the second phase of the Condominium Housing Development Plan for the block bounded by Lombard, Montgomery, Greenwich, and Sansome Streets be approved.

The Director then read the following statement:

"This is to report that the Planning Commission has received a letter from Jane R. Brady, who had requested, and was granted on March 8, 1973, discretionary review of a then proposed 41 unit dwelling by Hayman Homes on the south side of 25th Street opposite the intersection of Homestead Street. This letter states that subsequent changes in the plans have resulted in a withdrawal of the request made by her and others from her neighborhood for discretionary review. This building application No. 415259 filed for the subject project has now been approved by this department, and forwarded to the Bureau of Building Inspection. The plans which have been approved reduced the number of dwelling units from 41 to 30, with resultant reduction in building bulk, a substantially improved parking layout and reduction in curb cuts, increased open space and landscaping, and improved exterior building appearance."

The Director distributed and commented on a summary of action taken by the Mayor's Office on the Department of City Planning's budget for the next fiscal year.

The Director distributed copies of a report prepared by the Mayor's Office of Community Development entitled "New Directions for Programming Community Development and Housing" and indicated that he would summarize the report at the Commission's next meeting.

ZM74.4 - PACIFIC HEIGHTS: AREA BOUNDED GENERALLY BY UNION STREET, VAN NESS AVENUE, BUSH STREET AND STEINER STREET. RECLASSIFICATION OF ALL PROPERTIES PRESENTLY ZONED R-5, R-4, AND R-3, AND HAVING A 40-FOOT HEIGHT LIMIT, TO AN R-2 DISTRICT. THE COMMISSION, IN ITS ACTION, MAY ALSO CONSIDER RECLASSIFICATION TO INTERMEDIATE ZONING DISTRICTS.

President Newman called on Allan B. Jacobs, Director of Planning, who read the following prepared statement:

"The matter before the Commission today is a proposal, referred by the Board of Supervisors, to change zoning use districts in the area bounded by Union Street, Van Ness Avenue, Bush Street and Steiner Street. Where the present zoning is R-3, R-4, R-5, and the height limit is 40 feet, the proposal would change the use district to R-2.

History of this Proposal

"This proposal is similar to a rezoning application filed by the Pacific Heights Association in December 1972, which sought R-2 zoning in much of Pacific Heights and also covered the areas with a height limit of more than 40 feet. That application followed soon after the imposition or lowering of height limits throughout the city in the summer of 1972.

"In May 1973 the City Planning Commission held a hearing on the neighborhood rezoning proposal and made a recommendation to the Board of Supervisors that would have changed the zoning in a substantial part of the area covered by the application, although the recommendation in many cases did not reduce the permitted density by as much as the application proposed.

"The Commission recommendation would have eliminated all R-5 zoning in the area. It would have placed R-4 zoning on all properties with a height limit of more than 40 feet and some properties with a 40-foot limit. Much of the rest of the area would have been R-3, with R-2 zoning applied in four new places in addition to the two already zoned R-2.

"This recommendation was forwarded to the Board where it was heard in Committee. After that hearing a member of the Board reinitiated the part of the neighborhood application having to do with the 40-foot areas by introducing that part at the Board for referral to the Planning Commission. This was done because the

part of the neighborhood application not recommended by the Commission was disapproved by the Commission and was therefore not before the Board. It is this measure re-initiated at the Board that is before the Commission today.

"There was also another matter introduced at the Board last summer at the request of the Pacific Heights Association. That was a proposed special use district that would have imposed special controls on construction and conversion in the Pacific Heights area, with a basic density limit of R-2 but a possibility of R-3 density in individual cases, by conditional use, under criteria having to do with size of units, rear yards, set-backs and parking.

"This special district proposal, and other circumstances, then led to the development of interim controls by the Department, to be applied throughout the city in R-2, R-3, R-3.5, R-4 and R-5 districts. These controls were adopted at the beginning of this year, and they are intended to limit the scale of new buildings and assure retention of open spaces while totally new zoning districts and standards are being developed for the city over the next two years.

"Another recent occurrence was the lowering of height limits by the Board of Supervisors from 80 feet to 40 feet south of the Pacific Medical Center and in five blocks south of Lafayette Park, after a recommendation by the Commission that the 80-foot limit be retained. This change took place in August 1973.

The Proposal Sent from the Board

"The matter being heard today is a blanket proposal to change properties now zoned R-3, R-4 and R-5 to R-2, which is a district permitting buildings with two dwelling units on most lots, with additional units allowed on larger lots at a ratio of one unit for each 1500 square feet of lot area.

"This proposal goes considerably farther than the Commission recommendation of last May. As was the case last May, the Commission can consider intermediate zoning districts in its recommendation as well as R-2. When a Commission recommendation is made to the Board, the Board will have the option of voting upon that recommendation or upon the proposal sent to the Commission by the Board. The Board will not be free to amend either proposal.

Further Staff Analysis

"The staff of the Department strongly feels that a well-reasoned recommendation for zoning in Pacific Heights should be sent to the Board and adopted at an early date, so that the matter can be resolved and work can proceed on the much-needed comprehensive revision of residential zoning throughout the city.

"With that end in view, the staff has again looked closely at Pacific Heights, making a more current survey of numbers of dwelling units on many of the properties and considering recent trends. Both the actual density of units and the nature of the original construction have been considered as they affect the character of each street. The quality of older buildings and the feasibility of their retention have been looked at. Amounts of traffic have also been considered as they relate to residential character.

"In addition, we have looked at new factors appearing in the last year. One of these is the reduction of the height limit in all or portions of seven blocks by the Board of Supervisors. Another is the considerable number of conversions in certain parts of the area, conversions that more often than not result in fewer units in the building rather than more. The last year has also seen an increased pace of renovations and improved maintenance, apparently based upon the feelings of owners as to what the nature of certain streets is or ought to be.

"The staff has attempted to be as responsive as possible to the expressed wishes of owners and residents, consistent with sensible zoning practice and with an accurate appraisal of current densities. In comparison with the Commission's earlier recommendation for this area, we have made more of an articulation of boundary lines according to density patterns in portions of blocks. The districts created are still of reasonable size, however, to recognize streets or sections of different residential character.

The Revised Staff Recommendation

"In the revised staff recommendation, areas having height limits greater than 40 feet would again be R-4, as recommended last May. Elsewhere, R-4 would be cut back considerably from the earlier recommendation, appearing only along Broadway in the vicinity of Octavia Street, in the vicinity of Franklin and Vallejo Streets, and on the west and south sides of Lafayette Park. In all of these areas existing densities are high.

"Much of the property formerly recommended for R-4 would become R-3 or R-3.5, especially south of Sacramento Street where the height limit has now been lowered to 40 feet and along the outer part of Broadway.

"There also would be a considerable reduction of R-4 and R-3 properties to R-2. These would include much of Pine Street, a portion of Bush Street between Webster and Buchanan, Laguna between Pine and Bush, and Webster between Pine and California. R-2 would also be used on Steiner in the vicinity of Clay and Sacramento and on portions of Clay, Washington and Jackson Streets west of Fillmore.

R-2 would be extended northward on the west side of Webster above Washington, along the north side of Washington east of there, and to portions of Washington and Laguna near Lafayette Park.

"In the northern section, the R-2 on Vallejo Street west of Fillmore would be extended north to Green and south along Fillmore. R-2 would be added in the vicinity of Vallejo and Buchanan. And a large area of R-2 would be added at Green and Octavia, extending eastward to Gough and down to Vallejo. One other R-2 area would be added along Sacramento and California Streets, between Franklin and Gough.

"Recognizing the neighborhood sentiment for lower density zoning, the staff considered other areas as well for a reduction to R-2. These other areas had to be discarded on the basis of prevailing existing densities higher than R-2 and a character of development more consistent with R-3 or R-3.5 zoning."

At 2:40 p.m. President Newman called a recess to enable members of the audience to review a map posted on the wall of the meeting room which reflected the revised staff recommendations. The meeting was reconvened at 2:55 p.m.

Bob Hogan, a Director of the Pacific Heights Association, reminded the Commission that a large proportion of the population of the subject neighborhood had signed petitions in support of the association's original request for R-2 zoning; and he noted that the association had compromised its request to a great extent in the interim. He also indicated that the association had undertaken a study which revealed that 51% of the lots affected by the subject application are presently developed to R-1 or R-2 standards. He stated that the individuals who were supporting the application wished to maintain the present physical character and family character of their neighborhood. He again emphasized that the Pacific Heights Association's request for re-zoning had been totally changed in the interest of compromise so that it now differed from the position of the staff of the Department of City Planning in only two major respects. The first difference of opinion was that the Pacific Heights Association continued to feel that more R-2 zoning is needed in the area than that which was being recommended by the staff; and the second area of concern was the staff's recommendation for R-3.5 and R-4 zoning on Broadway and California Street.

Ralph Coffman, also representing the Pacific Heights Association, remarked that R-3 zoning would probably help to maintain the existing structural character of the neighborhood; however, he believed that only R-2 zoning would succeed in retaining the family character of the neighborhood by preventing the existing buildings from being subdivided into dwelling units which would be too small for family occupancy. He emphasized that a large proportion of the residents and property owners in the area involved had expressed their desire for R-2 zoning. He stated that many buildings on Green and Vallejo Streets had been subdivided into smaller dwelling units which do not accommodate families; and, given the demand for family housing, he felt that many of those buildings should be reconverted. In his opinion, the staff of the Department of City Planning, in formulating its recommendation, had ignored the possibility of such reconversions. He referred to a map which was

on display in the meeting room to explain the major differences between the staff's recommendation and the Pacific Heights Association's request; and he distributed photographs of some of the existing family housing in areas where the staff was recommending R-3, R-3.5, or R-4 zoning. He stated that he felt it was extremely important that the properties at the northeast corner of Gough and Clay Streets be zoned R-2 because of the threat that they will be demolished if they are zoned for higher density; and the same circumstances applied to properties on the northwest corner of California and Franklin Streets.

Commissioner Fleishhacker asked Mr. Coffman if he believed that R-2 zoning on Green and Vallejo Streets would force the owners of converted buildings to reconvert their structures to family units. Mr. Coffman replied in the negative but indicated that he believed R-2 would encourage property owners to reconvert their buildings to R-1 or R-2 standards, particularly if the property owners had reason to expect that their neighbors would be undertaking similar reconversions.

Commissioner Ritchie pointed out that the staff of the Department of City Planning had already recommended that the property at the northwest corner of California and Franklin Streets be reclassified from R-5 to R-3; and, given that vast reduction in zoning, he questioned why the Pacific Heights Association was so anxious to have the zoning further reduced to R-2.

Mr. Coffman stated that the corner property is developed with a handsome structure which serves as a gateway to Pacific Heights. The property is presently on the market; and, if sold, there was a possibility that the existing building would be demolished and that the property would be subdivided into three lots. While R-3 zoning might discourage such event, he felt that R-2 zoning would enhance the chance for preservation of the existing structure. In conclusion, he stated that the members of his association do not oppose new construction in their neighborhood; but they feel that new construction should be compatible with existing buildings. In reply to further questions raised by Commissioner Ritchie, Mr. Coffman conceded that R-3 zoning might encourage preservation of the existing building; however, such zoning would encourage conversion of the building into smaller dwelling units which would not attract families.

Commissioner Porter emphasized that the property at the northwest corner of California and Franklin Streets was formerly zoned R-5; and, while she was not prepared to state that rezoning of the property to R-2 would not be desirable, she felt that the fact that such zoning would prevent any further development on the site should be recognized.

Commissioner Ritchie asked if the Pacific Heights Association was attempting to achieve more preservation of existing buildings or less people, or both. Mr. Coffman replied that the association was seeking both objectives. In reply to a further question raised by Commissioner Ritchie, Mr. Coffman stated that there are some areas in the subject neighborhood in which R-2 zoning would be essential in order to achieve both objectives.

Commissioner Rueda asked what criteria had been used by the Pacific Heights Association in their definition of "family character." Mr. Coffman replied that the "family character" in Pacific Heights has resulted from large dwelling units which have attracted families with children.

Commissioner Rueda then observed that he knows many families who live in R-3 buildings.

Commissioner Ritchie felt that the modified recommendations of the staff of the Department of City Planning had come a long way toward meeting the concerns which had been expressed by the Pacific Heights Association. Mr. Coffman agreed and remarked that the Pacific Heights Association had compromised to a significant extent as well.

Commissioner Ritchie then asked if the association did not feel that it was going too far in requesting further modification of the staff recommendations. Mr. Coffman replied that he felt that additional R-2 zoning was essential to protect the character of the neighborhood by encouraging "downward conversions."

President Newman remarked that it appeared that Mr. Coffman was advocating not just preservation but also a reduction of density in the neighborhood.

Commissioner Fleishhacker stated that he was aware that some reconversions have occurred in the southern part of the subject neighborhood. He noted, however, that the reconversions have occurred under R-3 zoning; and he wondered if there was any reason to believe that the reconversions would not continue if the zoning were not changed from R-3 to R-2.

Mr. Coffman stated that reconversions have occurred in the southern part of the neighborhood because the smaller structures which exist in that area are more conducive to single and double family occupancy than to multiple occupancy; however, he emphasized that other circumstances prevail in the northern part of the neighborhood, particularly along Green and Vallejo Streets where the existing structures are relatively large.

Commissioner Fleishhacker asked Mr. Coffman which areas of the neighborhood seemed to him to be most in need of having the zoning density further reduced. Mr. Coffman replied that he was most concerned about the Green/Vallejo Areas and about three lots on the northeast corner of Clay and Gough Streets.

Commissioner Ritchie asked Mr. Coffman if he felt that there was a greater chance that the existing building on the northwest corner of California and Franklin Streets would remain if the property were to be zoned R-2 rather than R-3. Mr. Coffman replied that the building would probably be purchased by someone who would be willing to use it for R-2 purposes if the property were to be zoned R-2; and he remarked that his association had found that higher or lower zoning does not really change the value of houses and flats which have been maintained in good condition. In reply to a further comment made by Commissioner Ritchie to the effect that the Pacific Heights Association's request for R-2 zoning sounded a bit like "arm-twisting" to require people to maintain their existing buildings, Mr. Coffman replied that all zoning is restrictive.

Commissioner Porter remarked that the building on the northwest corner of California and Franklin Streets has been designated as a landmark; and she indicated that the owners of the property have given notice that they intend to demolish the building. She stated that she did not understand how an owner could be forced to maintain a building if he did not wish to do so.

Commissioner Ritchie observed that the Commission had already lowered the height limit on the property at the northwest corner of California and Franklin Streets and had designated the building on the site as a landmark; and he felt that reduction of the zoning from R-5 to R-2 would be extremely unfair.

John Walker, also representing the Pacific Heights Association, pointed out that the staff of the Department of City Planning had recommended R-2 zoning for property located immediately west of the site under discussion; and he felt that construction of an R-3 building on the corner would lessen the value of the neighboring property. Furthermore, construction of such a building on that site would have an impact on all San Franciscans. In his opinion, the question was not what the owner of the property would lose but how much less profit he would be able to make under R-2 zoning.

Commissioner Ritchie stated that he did not disagree that the structure on the northwest corner of California and Franklin Streets is a fine building; and he noted that it has been designated as a landmark. However, he felt that it would be unfair to the owner of the property to try to preserve the building through zoning.

Mr. Walker stated that he also objected to the staff's recommendation for R-3.5 and R-4 zoning on Broadway. He remarked that R-3.5 zoning permits 30% more density than R-3 zoning; and, in view of the fact that the majority of the buildings along Broadway are actually single-family in present density, he felt that zoning along that street should be reduced at least to R-3.

Commissioner Porter, noting that Mr. Walker is an architect, observed that much of the dissatisfaction with R-3 buildings had arisen because of poor design; and she remarked that the real answer to the problem might lie in better architecture rather than in re-zoning from R-3 to R-2. Given present land and building costs, she questioned whether people could actually afford to undertake new construction in R-2 districts.

Mr. Walker stated that good R-3 buildings are really difficult to design. In regard to the question about the cost of R-2 buildings, he remarked that one unit in R-2 buildings is usually owner-occupied; and, as a result, he regarded such buildings as a good investment.

Mr. Hogan stated that the conversion and remodeling of existing structures maintains the physical character of the neighborhood and encourages densities in keeping with the existing pattern. He advised the Commission that he earns his living by converting older buildings; and he indicated that most of the buildings which he has converted have been sold or rented to families. He stated that the zoning proposed by the Pacific Heights Association would allow new construction where appropriate; however, he felt that more square footage per dollar can be obtained through conversions than through new construction, given current building costs. He believed that most existing buildings which are threatened which are in bad repair can be saved; and he felt that R-2 zoning would encourage their retention and con-

version. He also emphasized that construction workers in San Francisco are provided with many jobs as a result of conversion work. He agreed with Commissioner Rueda that many families do live in apartment buildings; however, in most cases, families are found only in older buildings which have large units. He stated that he lives in an older apartment building which has three-bedroom units. In conclusion, he acknowledged that some buildings in the southern part of the subject neighborhood are being reconverted; and he pointed out that properties in that area have been under an R-2 "freeze" for more than one year.

Commissioner Fleishhacker asked if it was likely that the reconversions have actually occurred because of the R-2 "freeze." Mr. Coffman replied that the Pacific Heights Association had gathered information about the reconversions. He stated that most of the buildings on Pine and Bush Streets were originally built as smaller Victorian homes; and, as a result, their most suitable use is as one/or two-unit dwellings.

Commissioner Porter remarked that families with children used to live on Broadway, Vallejo and Pacific; but she was not aware that the areas east of Fillmore Street were characterized as family neighborhoods. In fact, she did not recall that many schools exist in that area. She acknowledged that people are returning to the city from the suburbs; however, those who engage in the remodeling of older buildings are usually either couples without children or single people.

Mr. Hogan stated that even children residing west of Fillmore Street are being bused; and, therefore, the presence or absence of schools east of Fillmore Street was of little significance. He stated that he had moved back to the city from the suburbs; and he advised the Commission that he has three children. He assured the Commission that there are many families with children living in Pacific Heights east of Fillmore Street.

John F. Kirkpatrick, 2332 Washington Street, read a letter which had been addressed to the Commission by Herbert McLaughlin, as follows:

> "I am in full support of the Pacific Heights Association zoning request. I feel strongly that the character of the Pacific Heights Neighborhood should remain unchanged and, hence, that one/and two-family housing stock should be encouraged to stay in the area. I am a home owner and resident of Pacific Heights."

Lavonne Valentine, 2350 Franklin Street, stated that she was opposed to the proposed "down-zoning." She indicated that her property was zoned R-5 when she purchased it; and she was opposed to lowering the zoning of her proerty or of other properties in the area merely to achieve the preservation of one or two old houses. She also felt that one of the purposes of the proposed re-zoning was to preserve the neighborhood for people who can afford to own single-family dwellings in the area, in effect putting up a "keep out" sign for other people of lesser means. She remarked that there has never been a great concentration of families in the Pacific Heights neighborhood since people without a lot of money cannot afford the taxes levied against properties in the area; and, by requesting that the zoning of the neighborhood be reduced to family standards, she felt that the applicants were using zonings as a tool of discrimination. She advised the Commission that her

building, which contains three dwelling units, is located only three doors away from an 80-unit building; and, under the circumstances, she did not feel that it would be fair to require her to reduce the number of units in her building. She remarked that approval of the applicant's proposal would prevent the city from growing; and, while she was not in favor of high-rise buildings, it did not seem to her that the city should be turned back into a "cow pasture."

President Newman advised Mr. Valentine that the staff of the Department of City Planning was recommending R-4 zoning for her property.

William H. Gilmartin, 2224 Clay Street, felt that the revised recommendations of the staff of the Department of City Planning had come a long way toward meeting the objectives of the Pacific Heights Association; however, he believed that somewhat more R-1 and R-2 zoning in proportion with the existing density in the neighborhood would be desirable. He observed that we live in a "throwaway" society which tends to be wasteful; and he felt that we should be extremely careful about "throwing away" attractive residential neighborhoods, especially since they are not being built any more. In conclusion, he stated that it was his opinion that zoning which would provide for a reasonable mix of single-family homes, duplexes, and apartment buildings would be in the best interests of the subject neighborhood and the city as a whole.

Edwin Wells, 1616 Vallejo Street, stated that it seemed to him that the issue before the Commission was one of the neighborhood preservation versus real estate economics and building pressures. He remarked that the city is fast becoming unable to cope with its problems; and, in the interest of safeguarding its residential neighborhoods, he felt that the least that the city could do would be to establish realistic limitations. He felt that good buildings are the result of enlightened controls. San Francisco has a reputation of a real city which is also livable because its residential neighborhoods have been developed on a low scale; however, unless action is taken to establish limitations on residential development the low-scale residential character of the city will soon be lost.

Charlotte Maeck, representing the Pacific Heights Association, read the following letter which had been addressed to the Commission by Frank Chambers, Chairman of the Board of Director of the Hamlen School:

"The Board of Directors of The Hamlin School would like to go on formal record as supporting the Pacific Heights Association on the proposed rezoning.

"As we have stated in previous communications, the very existence of The Hamlin School depends on the existence of family-type accomodations in the Pacific Heights area. We believe that the replacement of existing structures with studio-type apartments will, in the end, result in such decreases in enrollment that the School will not be able to continue.

"We believe that the Pacific Heights Association has done a highly commendable task in adjusting to the specific problems relating to topography, traffic flow, and existing structures. We, therefore, wish to highly recommend acceptance of their program as it is now set forth."

A representative of State Senator Milton Marks read the following letter which the Senator had addressed to the City Planning Commission:

"I urge you to support the downzoning application of the Pacific Heights Association, which I understand will be before your Commission this Thursday.

"As you know, the neighborhood petitioned for a rezoning in 1972. It was turned down by the Planning Commission in May of 1973, following which the Board of Supervisors re-referred the matter to Planning. It seems clear now that the application suffered by being in the mill at the same time that you were working on interim zoning controls, which tended to obscure the smaller fight waged by this one community.

"However, the neighborhood demands were not satisfied by the interim controls--and so the matter is before you again. People are rightly alarmed that the family character of much of the neighborhood will be destroyed by zoning which allows R-4 in areas which are essentially R-2.

"The city cannot afford to lose any family housing, when it is in such drastically short supply. Furthermore, the impact of more density in the area will lead quickly and inevitably to a deterioration in the quality of life for all who live or move there.

"When most public officials in San Francisco have committed themselves to policies for the rehabilitation and preservation of the city's neighborhoods, it would be a great step backwards to allow zoning to stand which would open one of the city's finest neighborhoods to exploitation by those interested only in a quick profit."

Subsequently, speaking in her own behalf, Senator Marks' representative stated that she would like for her children to be able to enjoy a neighborhood such as Pacific Heights in its present state.

Commissioner Porter asked if the statements contained in the letter meant that Senator Marks was opposed to R-3 and R-4 zoning any place in the subject neighborhood. The Senator's representative replied in the negative, indicating that the Senator was opposed to R-3 and R-4 zoning only in areas where such zoning would destroy the environment of the neighborhood.

Thomas E. Curran, III, 2021 Pacific Avenue, made the following statement:

"My family and I are members of the Pacific Heights Association; we are emphatically committed to its objectives, and I am here this afternoon to urge you to support the proposal of the association, which represents the only hope we have for preserving our neighborhood as a place congenial to family-living.

"It is quite clear to me that our neighborhood has become the target of speculators who are exerting constant pressure to turn our neighborhood into a rabbit-warren to house a primarily transient population. To demonstrate the position that our area of family-oriented structures is rapidly and irreplaceably being eradicated, I submit a few figures taken from records at City Hall.

"Since 1963 permits have been granted for construction of 1607 units in 62 structures. No permits were granted in this period for one-or two-family houses, and there have obviously been none built. The average number of units is 26 per structure. The 62 structures demolished to make way for the new buildings accounted for 135 housing units, as compared with the replacement figure of 1607. Thus, family housing was replaced at an increase in density of 12 to 1. But this is not the worst of the story; unhappily, a quarter of these permits have been granted in the 2½ year period from January 1, 1971 to May 30, 1973, accounting in all for 679, or 42% of the new units constructed since 1963. This recent activity averages 45 units per structure, or double the 10½ year average of 26 per structure. The pattern is preeminently clear -- not only has density been increasing drastically in the last 10 years, but the rate of increase itself is spiraling at a rate that is appalling, particularly since in making this tally, several structures have not been considered, notably, Panorama Condominiums at Webster and Broadway with 20 units, 2120 Pacific with 60 units, and Sangiacomo's naked concrete behemoth with more than 100.

"Of the 62 structures isolated, 23 or 40% have been erected on just the three streets of Broadway, Pacific, and Vallejo. These streets alone account for 801 of the new units constructed in the last 10½ years, half the total. Just two builders by themselves have generated 380 units in that period, and half those units are on these 3 streets. The manifestations of the horrible increase in density on these streets is self-evident -- noise at all hours, abominable air on still days, zero parking, nothing green and no open space or yards on the grounds of new buildings; no bay windows, no stained glass, no turrets, no cupolas -- only stucco and concrete and plastic fountains and utterly no character or charm.

"We beg you to put a halt to this trend. Help us preserve this neighborhood as a family area, which is after all why we moved there in the first place. To take it away from us would be wrong under the best of curcumstances; to do so only to line the pockets of a crass and avaricious few would be a crime. The residents of a neighborhood have the right to determine the kind of place that neighborhood will be -- and the feelings of the residents and home-owners of Pacific Heights has been and will continue to be demonstrated to you this afternoon. Heed them. Please save Pacific Heights."

President Newman stated that he resented the implications of some of the statements which had been made by Mr. Curran. He pointed out that the staff of the Department of City Planning and the City Planning Commission had gone to some considerable lengths in lowering height limits and zoning to protect the character of Pacific Heights; and he felt that what Mr. Curran was really saying was that he wished the Commission to go beyond the staff's recommendation and to grant everything requested by the Pacific Heights Association.

Margaret R. Cunanfor, 1981 Pacific Avenue, informed the Commission that the Pacific Heights Association has a terrific amount of support in the neighborhood; and she stated that the Board of Supervisors, at the request of the association, had asked the Commission to reconsider its previous action on the proposed re-zoning

Commissioner Porter stated that members of the Board of Supervisors can vote to overrule the Commission if they do not like its decision; however, the Board can not legally tell the Commission what to do.

Mrs. James B. Frankel, 2418 Pacific Avenue, stated that she was in complete agreement with the request of the Pacific Heights Association. She also felt that the R-1 "island" on both sides of Pacific west of Fillmore Street should be zoned R-2.

Jay J. Levine, 2504 Pacific Avenue, indicated that he is a member of the Pacific Heights Association; and he urged the Commission to approve the association' re-zoning proposal. He emphasized that the zoning approved by the Commission would ultimately determine which buildings in the neighborhood are to be retained.

At 4:15 p.m. President Newman announced a five-minute recess. The Commission reconvened at 4:20 p.m. and proceeded with hearing of the remainder of the agenda.

Mike Hall, 2395 Vallejo Street, stated that he had come to the hearing to speak in opposition to the proposal to re-zone properties on Green Street from R-4 to R-3; however, since both the Pacific Heights Association and the staff of the Department of City Planning seemed to be in agreement on R-3 zoning for properties along that street, he was prepared to accept that zoning designation. He advised the Commission that he owned small apartment buildings in the area which never have vacancies; and he assumed that the larger aparmtent buildings in the neighborhood have a low vacancy rate, also. Under the circumstances, it was obvious to him that people wish to live in Pacific Heights and that they are willing to pay exorbitant rents for that privilege; and he believed that families wishing to live in the neighborhood should be willing to pay proportionate rates for the floor space which they occupy.

Ron Arlas, 2299 Sacramento Street, stated that he is a single person; and he indicated that he resented implications made by previous speakers that his life style is not the most desirable. He remarked that he was willing to pay the price necessary to live in the subject neighborhood even though he does not have children. He stated that he was not opposed to the proposed "down-zoning," primarily because he felt it was important that the architecture of the area should be preserved;

however, he was concerned about the fact that adequate off-street parking is not provided in the area. He believed that most families, as well as single people living together, have more than one automobile; and the City Planning Code requirement for one off-street parking space for each dwelling unit is not sufficient.

Alvin Baum, 2009 Green Street, felt that the staff of the Department of City Planning had done a fantastic job in taking the concerns of the neighborhood into account as they had formulated their revised recommendations; and he regarded it as a matter of personal judgment as to whether additional areas should be zoned R-2 as requested by the Pacific Heights Association. He stated that he owns two properties on Green Street, each of which has three units; and he indicated that he had reconverted one of the buildings, reducing the number of units from four to three. He had also installed a garage in one of the buildings at considerable cost because of the scarcity of on-street parking places. He believed that the lack of parking spaces had resulted both from the growth of Union Street and from construction of a new apartment building one block to the east. The new apartment building did provide one off-street parking space for each dwelling unit; but the single people who live in the building have brought more than one automobile per unit to the area. Thus, the problem of the neighborhood is not only one of people-density but also one of automobile-density. He also believed that much of the value of the subject neighborhood is directly related to the general high quality of the existing buildings; and he felt that his properties were reduced in value when two older buildings of good quality were torn down and replaced by a "block-buster" apartment building. By the same token, if R-3 zoning would result in the destruction of existing buildings on the northeast corner of Clay and Gough Streets and on the northwest corner of Franklin and California Streets and subsequent construction of "block-buster" apartment buildings on those sites, he felt that the value of the neighborhood would be reduced.

David M. Hartley, 2418 Gough Street, advised the Commission that he is chairman of the Transportation Committee of the Pacific Heights Association. In response to comments previously made by Commissioner Porter, he stated that there are several elementary schools in Pacific Heights east of Fillmore Street; and he indicated that a number of families do live in that area. He remarked that certain streets in the neighborhood carry very heavy traffic loads and that on-street parking is difficult throughout the neighborhood; and he felt that construction of new apartment buildings was contributing to both the traffic and the parking problems of the neighborhood. As an example, he indicated that a new 42-unit apartment building is being constructed at Gough Street and Broadway; and he remarked that the number of automobiles crossing the sidewalk to gain access to that building will be equal to the number of automobiles crossing the sidewalk in the next three blocks.

President Newman inquired about the number of dwelling units in the subject neighborhood and about the population of the area. The Director replied that the neighborhood has approximately 11,500 dwelling units and a population ranging between 16 and 18,000 people.

William L. Ferdon, attorney for the owner of property located on the northwest corner of California and Franklin Streets, spoke in support of the staff's recommendation for R-3 zoning for his client's property. He emphasized that the height

limit on the property had already been reduced; and, when the Commission had previously considered the Pacific Heights Association's application, the property had been proposed to be re-zoned from R-5 to R-3. He noted that he had requested R-4 zoning for the property at that time; however, he had lost by one vote. Some of the previous speakers had referred to his client's property as "the gateway to Pacific Heights"; but he pointed out that the property might also be regarded as a gateway to Sausalito, Corta Madera, and points beyond. The fact of the matter is that the property is located at one of the busiest intersections in the city. He advised the Commission that the building occupying the property is not in perfect condition; and, as a result, preservation of the building could not have been expected if the property had retained its R-5 zoning and its 120-foot height limit. He stated that he had never regarded his client's property as being a part of Pacific Heights; and he noted that even the boundaries claimed by the Pacific Heights Association ended only one block to the east at Van Ness Avenue. He stated that his client would be willing to accept R-3 zoning for the property; however, R-2 zoning, as requested by the Pacific Heights Association, would not be reasonable. Although the property has been zoned R-3 for one year, no one has offered to buy the site with the objective of preserving the building. Therefore, proceedings had been initiated for obtaining a demolition permit; and an Environmental Impact Report is being prepared on that proposal. In any case, issuance of the demolition permit could not be delayed for more than one year. Given the location of the property, he did not see how any development of the site could possibly affect people living elsewhere in Pacific Heights. In conclusion, he remarked that the recommendations of the staff of the Department of City Planning would give the Pacific Heights Association virtually everything it had requested with only three points of variance; and he felt that the staff's recommendations represented the ultimate in effective compromise. Therefore, he urged that the recommendations of the staff be approved.

Kenneth H. Brown, 2280 Vallejo Street, remarked that the staff of the Department of City Planning, in preparing its recommendations, had generally observed existing density patterns rather than the wishes of people living in the blocks affected. As a case in point, he advised the Commission that the owners of 18 out of the 22 lots in his block had expressed their desire for an R-2 zoning designation; yet, the staff of the Department of City Planning had recommended that the entire block be zoned R-3. He stated that a 43-unit apartment building was being constructed on the south side of Vallejo Street which will house approximately 100 people; and he felt it was unfortunate that a lot comprising 15% of the block had been developed with a building which will double the population of the block in addition to bringing guests and numerous automobiles into the area. Given the existence of that building, he felt that it was extremely important that the north side of Vallejo Street should be zoned R-2 in order to stabilize the situation.

Commissioner Fleishhacker observed that most of the properties in Mr. Brown's block have already been developed to R-3 standards; and, as a result, he felt that it would be somewhat unusual to re-zone the properties to R-2.

Commissioner Ritchie asked the Director to comment on Mr. Brown's presentation. The Director replied that the staff had taken many factors into consideration in formulating its recommendations for the overall area including existing land use, the desires of residents in the area, traffic conditions, and the condition of

maintenance. With regard to the block in which Mr. Brown's property is located, existing land use had been the over-riding factor. He stated that the block is developed to R-3 density; and, unlike Mr. Coffman, he did not believe that reclassification of the block to R-2 would encourage deconversions.

Commissioner Porter remarked that the staff of the Department of City Planning had not been aware that one of the buildings in Mr. Brown's block had been converted yet, she had understood that one-for-one parking must be provided for new dwelling units when conversions take place. Under the circumstances, she felt that some conversions must have taken place illegally; and she wondered if the staff could estimate the number of illegal conversions in the neighborhood.

The Director confirmed that off-street parking spaces must be provided for new dwelling units resulting from conversions. He stated that he had no idea how many illegal conversions might have taken place in the subject neighborhood.

Mr. Brown stated that the peole residing in his block have already been hurt by the R-4 building which has been constructed across the street; and, as a result they were anxious to obtain R-2 zoning in order to stabilize the area. He also felt that some of the owners in the block do intend to reduce the number of units in their buildings.

Alison Massa, 1836 Pine Street, indicated her support of the revised staff recommendation which would result in the re-zoning of her block from R-5 to R-2.

Lyne Lau, representing the owners of a vacant parcel of property located at 1915 California Street, stated that that property is presently zoned R-5; and she expressed concern about the effect which the proposed "down-zoning" would have on the development potential of that lot, referring to a letter that had been submitted to the Commission.

President Newman stated that the staff of the Department of City Planning was recommending that the property to which Miss Lau had addressed herself be included in an R-3.5 district; and he asked if that zoning would be acceptable. Miss Lau replied that R-3.5 zoning might be acceptable; however, any lower density zoning classification would be undesirable.

Craig Beckstead, 2026 California Street, stated that he is a single person who resides in a Victorian house; and he indicated that he was concerned with the preservation of habitable Victorian structures. In his opinion, the R-3.5 zoning which the staff of the Department of City Planning was recommending for California Street would threaten the values and life style of people living in that area; and he wished that the Commission would vote to reclassify that area to R-3.

Henry Prien, 2140 Pacific Avenue, acknowledged that the staff of the Department of City Planning had progressed a long way toward reducing density in the neighborhood; however, in areas where the staff and the Pacific Heights Association were

at odds, he felt that the proposals of the Pacific Heights Association should be adopted by the Commission in the interest of protecting the neighborhood. He stated that he was not advocating a reduction in the population of Pacific Heights. On the other hand, he felt that population growth in Pacific Heights should be proportional to the population growth of the city as a whole; and he noted that the population of the city has been decreasing rather than increasing in recent years. One of the Commissioners had asked one of the previous speakers to indicate areas where he felt that emphasis for further re-zoning should be placed, given the fact that he could not get everything that he wanted; and if he had been given that choice he would have stated that the area north of Sacramento Street is the most important.

Mrs. Diantha Nielsen, a trustee of the estate which owns property located at 1834 California Street, noted that adjacent property on the northwest corner of California and Franklin Streets, which is also occupied by a landmark building, had been recommended for inclusion in an R-3 district whereas the property with which she was concerned had been recommended for inclusion in an R-2 district; and she asked why such a distinction had been made between the two properties. She felt that there might be some logic in R-2 zoning for properties on the northern half of the block fronting on Sacramento Street; but it seemed to her that R-2 zoning would be less appropriate for the property located at 1834 California Street.

The Director stated that the staff had recommended that the property located at 1834 California be zoned R-2 becuase of its present density and because it is contiguous to properties on the south side of Sacramento Street which are developed in conformance with R-2 standards.

Mrs. B. Kirshenbaum, 2518 Gough Street, endorsed the proposal of the Pacific Heights Association. She stated that she knows at least one family of seven people who occupy a Victorian house in Pacific Heights and who pay approximately the same amount of rent as other people pay for new studio apartments. Given such a rental structure, it was obvious to her that families cannot afford to live in new apartment buildings being constructed in the area; and, in many cases, children are not allowed in those buildings. She also confirmed that there are numerous schools located in the neighborhood east of Fillmore Street.

Mrs. Arthur Bloomfield, 2229 Webster Street, stated that she is a member of the Pacific Heights Neighborhood Council; and it was her understanding that her organization had sent a letter to the Commission supporting the Pacific Heights Association's request for "down-zoning." She indicated that she was pleased that concessions had been made since the matter was last before the Commission; however, she agreed with the Pacific Heights Association that more R-2 zoning would be desirable. She particularly felt that property owners on Washington Street in the vicinity of her home would prefer R-2 zoning instead of the R-3 zoning which was being recommended by the Staff.

Commissioner Poster remarked that none of the previous speakers had mentioned the new Interim Residential Zoning Controls; and she wondered if they had taken into consideration the fact that the Interim Controls have set new standards for rear

yard areas in R-3 districts. As a result, buildings which are constructed in R-3 districts in the future will have appreciably less density than those which were constructed in the past.

Peter Svirsky, Planner V (Zoning), confirmed that the Interim Residential Zoning Controls will have an effect on the size of R-3 buildings. Lots with a depth of 100 feet will be required to have a 45-foot rear yard; and lots with a depth of 120 feet will be required to have a 55-foot rear yard.. As a result, only 3 off-street parking spaces could be provided on a lot having dimentions of 25 feet by 120 feet whereas the density provisions of the R-3 district would otherwise have permitted four dwelling units on such lots.

Joleen Hammons, 2150 Jackson Street, read and submitted a letter from Florence Somberg, President of the Pacific Heights Merchants and Property Owners Association Inc., stating that her organization supported in principle the "down-zoning" requested by the Pacific Heights Association.

Miss Hammons then stated that she is single and that she lives in an apartment. In supporting the "down-zoning" of the neighborhood, she did not do so out of antagonism to apartments or single people but because she felt that R-2 zoning would preserve the balance between individuals and single families which presently exists in the neighborhood.

Arden Danekas, representing the Planning Association for the Richmond (PAR), indicated that he wished to add his support to the Pacific Heights Association's request for re-zoning; and he stated that he felt that people who live in a neighborhood should have a voice in determining appropriate zoning classifications for their properties.

A member of the audience represented Richard M. Conway, owner of property located at 1735 Franklin Street. He stated that the property with which he was concerned is located immediately north of the property on the northwest corner of California and Franklin Streets which had been the subject of discussion earlier in the hearing; and he wondered what effec demolition of the building on that site and replacement of the building with a new apartment building would have on the sun and light available to the adjacent property.

Commissioner Ritchie observed that the surest way for the owner of the property at 1735 Franklin to protect his sunlight would be to buy a portion of the garden of the adjacent parcel of property.

Bruno Morelli, 1739 Vallejo Street, stated that he had no objection to the proposed "down-zoning." However, he was concerned about the fact that R-4 propertie fronting on Broadway and backing on his property might be permitted to build to their rear property lines, thus blocking windows in his house which is built on the property line.

Commissioner Ritchie indicated that Mr. Morelli's house could not be built on the rear lot line under present standards; and he stated that the properties fronting on Broadway would be required to maintain rear yard areas, thus providing some protection for Mr. Morelli's existing building.

Mr. Svirsky confirmed that there is a rear yard requirement for properties fronting on Broadway. In any case, the zoning of those properties was not covered by the matter presently before the Commission for consideration because those properties are not subject to a 40-foot height limit.

Franklyn Lyons, representative for the 1960 Broadway Corporation, the 1998 Vallejo Corporation, and the Broadway, Laguna, Vallejo Association, asked the Commission to accept the recommendation of the staff of the Department of City Planning.

The Director stated that he felt the staff had considered most of the issues which had been raised during the course of the public hearing and had reacted in a positive manner wherever possible. One issue which had not been raised previously, however, was the proposal that reconversions might be encouraged if areas already developed to R-3 standards were to be zoned R-2. While he thought that it might make sense to re-zone such areas to R-2 if and when they have been reconverted, he believed that reclassification at the present time would be inappropriate and pointed out that it would give the existing buildings non-conforming use status. He felt that Commissioner Porter's remarks about the family or non-family character of the neighborhood were well taken; and he also noted the significance of her comments relative to the effect which the Interim Residential Controls will have on R-3 construction. Neighborhood residents who had spoken had continually stressed that they wished new development to be compatible with existing development; and he felt that it was clear that the staff of the Department of City Planning felt the same way. Therefore, in spite of the few areas of disagreement, he did not look on the matter as a "we opposed to they" situation; and he hoped that the members of the Pacific Heights Association were of the same opinion. He stated that the staff had looked very carefully at the equities involved; and he believed that the staff had done as detailed a job as has ever been done on a re-zoning case involving such a large area. He stated that the Commission could either take action on the matter during the present meeting or take the matter under advisement for further study. He noted that the Commissioners had take a field trip to the subject neighborhood; and, therefore, if they should decide to vote during the present meeting, their action would be based on a thorough knowledge of the neighborhood. In acting on the matter, the Commission would be in a position to change the staff recommendation if it so desired.

Commissioner Porter remarked that the Commission had made revolutionary zoning changes in Pacific Heights during the past two years, reducing height limits in many areas of the neighborhood from 120 feet or more to 40 feet and adopting interim residential controls which make rear yard areas with a minimum depth of at least 45 feet mandatory. Under the circumstances, it will no longer be possible to build the type of R-3 buildings which were constructed in the past. She stated that the Commission does wish to preserve the character and beauty of the city's residential neighborhoods; but she also emphasized that the Commission has a responsibility not to unreasonably inhibit the growth and development of San Francisco. She indicated

that she was not entirely certain what effect the reclassifications being recommended by the staff would have on the neighborhood; however, given the amount of staff work which had been involved, she felt that the staff recommendations should be adopted at the present time so that the Commission and the community will have an opportunity to observe what effect the new zoning will actually have. Subsequently, if it should become clear that adjustments are needed in certain small areas of the neighborhood, changes could be made. She then moved that the staff recommendations be approved.

The motion was seconded by Commissioner Mellon.

President Newman stated that he was concerned about the block which had been mentioned by Mr. Brown during the course of the hearing; and he noted that the Commissioners, during their field trip to the area, had returned to look at that block a second time. In appearance, if not in actual density, the block has more of an aspect of an R-2 district than of an R-3 district; and Mr. Brown had indicated that a majority of the property owners in the block wished to have their properties zoned R-2. Yet, the staff of the Department of City Planning was recommending that the block be zoned R-3. He asked the Director to comment further on that issue.

The Director acknowledged that the block has an R-2 appearance; however, he pointed out that individual members of the Commission had been surprised at the number of dwelling units found in many of the buildings when they were on their field trip. He stated that more than half of the structures on the block are developed to R-3 and R-4 standards; and, for that reason, the staff of the Department of City Planning had recommended that the block be zoned R-3. He felt that the block serves as a good example of how older buildings can be converted into a larger number of dwelling units without changing the basic character of a neighborhood. In conclusion, he stressed the point previously made by Commissioner Porter that the type of R-3 buildings constructed in the past is no longer permissible.

Commissioner Fleishhacker noted that Mr. Brown's desire for lower density zoning had been generated by the construction of a large apartment building across the street from his property; and he observed that present zoning controls would preclude construction of a similar building today.

President Newman felt that it was important to consider the fact that the new Interim Residential Zoning Controls require a rear yard with a minimum depth of 45 feet; however, if existing buildings in Mr. Brown's block were to be demolished, he wondered what types of buildings might be constructed in their place under R-3 zoning. The Director replied that he believed that it would not be possible to construct new buildings with more than 3 units on most of the lots in the block.

Commissioner Ritchie indicated that he had previously sided with the Pacific Heights Association in its request for more R-2 zoning when action was previously taken by the Commission because he felt that R-2 zoning would give a strong guarantee that the character of the neighborhood would be preserved. However, the present recommendations of the staff of the Department of City Planning, according to the Director, could be said to satisfy more than 75% of the Pacific Heights Associ-

ation's request; and, in view of the fact that approval of the staff recommendations, which had been carefully worked out, would represent a major accomplishment for the Pacific Heights Association, he indicated that he would support the motion.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7174, approving proposal ZM74.4 in part in accordance with the recommendation of the Director of Planning, and disapproving the remaining part of the subject proposal.

The meeting was adjourned at 5:45.

Respectfully submitted,

Lynn E. Pio
Secretary

4/25/74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 25, 1974.

The City Planning Commission met pursuant to notice on Thursday, April 25, 1974, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; Robert Passmore, Planner V (Zoning); Lucian Blazej, City Planning Coordinator; Selina Bendix, Environmental Review Officer; William Duchek, Planner III; Glenda Skiffer, Planner II; Moira So, Planner II; Nathaniel Taylor, Planner II; and Lynn E. Pio, Secretary.

Doctor Washington E. Garner, President of the Police Commission, Chief Scott, Captain Sully and Lieutenant Jordan represented the Police Department.

Larry Liebert represented the San Francisco Chronicle; William Flynn represented the San Francisco Examiner; Dan Borsuk represented the San Francisco Progress; and Jessica Cafferato represented radio station K101.

1:00 p.m. Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on May 2, 1974.

2:00 p.m. Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Farrell, and carried unanimously that the minutes of April 4, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reminded the Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) of a meeting scheduled for Friday, April 26, at 12:00 noon.

The Director informed the Commission that the Board of Supervisors, meeting on Monday, had sustained the Commission's disapproval of a proposed reclassification of property in the 200 block of Roosevelt Way from R-4 to R-2.

The Director advised the Commission that the Board had also voted to approve for second reading the proposed condominium moratorium ordinance, incorporating the Commission's suggestion that the moratorium apply only to buildings with 25 or more dwelling units.

PRESENTATION OF POLICE FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN- - A PROPOSAL FOR CITIZEN REVIEW.

Allan B. Jacobs, Director of Planning, introduced Lucian Blazej, City Planning Co-ordinator, who presented and summarized the report.

The Director advised the Commission and the audience that public hearings will be scheduled on the report on June 5 and 13, 1974.

President Newman thanked Doctor Garner, Chief Scott, Captain Sully and Lieutenant Jordan for attending the presentation of the report.

At 2:50 p.m. President Newman announced a 10 minute recess. The Commission reconvened at 3:00 p.m. and proceeded with hearing of the remainder of the agenda.

EE74.61 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CHINATOWN (STOCKTON/SACRAMENTO) REDEVELOPMENT PROJECT AT THE SOUTHWEST CORNER OF STOCKTON AND SACRAMENTO STREETS.

Selina Bendix, Environmental Review Officer, summarized the draft environmental impact report for this project. The Commission then received comments from members of the audience including Harry Chuck, Co-chairman of the Chinatown Coalition for Better Housing; Soon Lim, a Chinatown resident; Edith Witt, representing the Human Rights Commission; Leonard Natov, of Blenkov Associates, owners of properties located at 814 and 840 California Street; Ronald Pengilly, attorney for owners of properties which would be acquired for the proposed project; Ronald H. Kahn, Attorney for the owner of 840 Powell Street; Wally Stokes, a private citizen; Lambert Choy, representing the Presbyterian Church in Chinatown, sponsor of the proposed project; Wong Quon Lum, a private citizen; and Alice Barkley, a private citizen.

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 7175 be adopted with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated

April 25, 1974 concerning EE74.61, Stockton/Sacramento Redevelopment Project, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment".

REVIEW OF MASTER PLAN CONFORMITY OF THE PROPOSED REDEVELOPMENT PLAN FOR THE STOCKTON/SACRAMENTO REDEVELOPMENT PROJECT.

Robert Passmore, Planner V (Zoning), noted that the proposed plan had been described in the Environmental Impact Report which had just been considered by the Commission. He stated that the Commission had found the preliminary plan for the project to be in conformity with the Master Plan in 1972; and he indicated that State law requires that the final plan, also, be reviewed to determine its conformity with the Master Plan.

William Mason, Assistant Director, Planning and Programming, Redevelopment Agency, indicated that he had no statement to make at this point; however, he was prepared to respond to any questions which might be raised by members of the Commission.

Commissioner Ritchie remarked that the Commission has not previously had an opportunity to approve or disapprove final building plans for redevelopment projects. He felt that the city already has enough redevelopment monstrosities without constructing another ugly project on the slopes of Nob Hill; and, therefore,unless some assurance could be given that the Commission would be able to review and act on final building plans for the proposed project, he indicated that he would not vote to certify the redevelopment plan as being in conformity with the Master Plan.

President Newman stated that the Commission does not have the right to act on final building plans for redevelopment projects.

Commissioner Ritchie then inquired about the approximate cost of the proposed project. Mr. Mason replied that the project would contain 200 dwelling units at a cost of approximately $20,000 per unit for a total cost of 4 million dollars.

Commissioner Ritchie observed that it should be possible to design an attractive project within those projected cost figures; and, while he recognized that "beauty is in the eye of the beholder", he stated that he did not intend to support the project in any way unless the Commission were to be given the right to review and act on final building plans for the development.

Allan B. Jacobs, Director of Planning, stated that the city's

cooperative agreement with the Redevelopment Agency provides that final building plans must be approved if the design is in conformity with an approved redevelopment plan. However, he felt that it might be possible for the staff of the Department of City Planning to review the final plans for the proposed project and to report to the Commission as to their conformance with the criteria established in the adopted redevelopment plan.

Commissioner Porter stated that it was her understanding that the proposed project would be designed not by the Redevelopment Agency but by the architect hired by the Presbyterian Church in Chinatown, subject to the approval of the Redevelopment Agency; and she asked if that understanding were correct.

Mr. Mason replied in the affirmative, indicating that the Redevelopment Agency is forbidden by law from constructing buildings in redevelopment project areas. He stated that the subject properties would be conveyed to the Presbyterian Church in Chinatown and to the Lyman Gee Association who would divide responsibility for design and construction of the project. He confirmed, however, that the design of the project would have to be acceptable to the Redevelopment Agency. He remarked that the design of the proposed project would be somewhat complicated by the fact that housing was being proposed on a site where residential construction is rather expensive. He noted that the Commission had previously prepared a preliminary plan for the project; and he likened that preliminary plan to a "work order" to the Redevelopment Agency to prepare a final plan in accordance with the guidelines established in the preliminary plan. That final plan was now before the Commission for consideration; and the responsibility of the Commission was to review the final plan in terms of its conformity with the preliminary plan and to report its findings to the Board of Supervisors. He remarked that the question of design was not before the Commission at the present time; however, he indicated that the Redevelopment Agency would continue to work with the staff of the Department of City Planning as final details are resolved.

President Newman asked Lambert Choy, representative of the Presbyterian Church in Chinatown, if his organization would be willing to submit final building plans to the staff of the Department of City Planning for review and comment. Mr. Choy replied that he and his associates would work with both the Redevelopment Agency and the Department of City Planning. He assured the Commission that he would have nothing to do with the construction of a "monstrosity".

Commissioner Fleishhacker stated that it was apparent that one member of the Commission wished to have an opportunity to act on final building plans for the project before the project is constructed. However, he felt that the real question was whether the Commission wished to have an opportunity to act on the final building plans; and, for the record, he indicated that he did not wish to be given that power.

Commissioner Rueda felt that the question was not whether the Commission wished to act on the final building plans but whether the Commission had any right to act on the final plans.

President Newman stated that the city's corporation agreement with the Redevelopment Agency does not give the Commission that right.

Commissioner Ritchie stated that he expected that amenities would be sacrificed in order to assure completion of the project; and, whether the other members of the Commission agreed with him or not, he felt that the Commission should review final plans for the project in terms of design, placement of buildings, appearance, preservation of views and view corridors, character, access points and entrances, and light blockages. He remarked that the Commission has had very limited power to control the design of redevelopment projects; and he personally felt that most buildings which have been constructed in redevelopment project areas have been very ugly and unattractive additions to the city. Therefore, as a matter of principle, he intended to vote for disapproval of the proposed project if the Commission would have no authority to review and act on final building plans for the development.

The Director recommended that the proposed redevelopment plan for the Stockton/Sacramento Redevelopment Project be approved as in conformity with the Master Plan.

President Newman remarked that the comments which had been made earlier by Mr. Choy would be reflected in the minutes of the Commission meeting; and he indicated that he hoped that the sponsors of the proposed project would cooperate with the Department of City Planning in every way possible.

Mr. Choy again confirmed that he and his associates did intend to cooperate with the staff of the Department of City Planning; and, in addition, he stated that they would be willing to invite individual members of the Commission to participate in meetings where decisions regarding the proposed project are to be made. He stated that he did not necessarily disagree with Commissioner Ritchie's reference to most buildings which have been constructed in redevelopment project areas in San Francisco as "monstrosities".

Commissioner Porter observed that the Redevelopment Agency has built "monstrosities" in an era when monstrosities are being built all over the city; however, she wondered if there were any pseudo-legal way in which the Commission and the Redevelopment Agency could reach agreement which would enable the Department of City Planning and the City Planning Commission to review final plans for the proposed project.

Mr. Mason stated that design review is vested in the Redevelopment Agency because the agency is responsible for the sale of the property and can make design requirements a part of the contract of sale. However, he

stated that he had taken note of concerns which had been expressed by members of the Commission; and he indicated that the Redevelopment Agency would try to be as cooperative as possible.

After further discussion, it was moved by Commissioner Fleishhacker and seconded by Commissioner Porter that the Redevelopment Plan be approved. Commissioner Porter stated that she had seconded the motion with the hope that the Redevelopment Agency would continue to cooperate with the Department of City Planning as final plans are prepared; and she asked if the Redevelopment Agency could agree to continue the cooperation. Mr. Mason replied that he, as an individual, could agree to continue to work closely with the Department of City Planning.

Commissioner Ritchie made the following statement: "I will vote against this project because the Planning Commission of San Francisco is prohibited from having any future right of approval of the final design and appearance of this project within the Redevelopment boundaries. Verbal statements of its ultimate attractiveness or that it will be an appealing addition to the city are not sufficient for me, as I have seen the result of these types of verbal statements. I refuse to support the birth of a project of this type unless I am able to confirm to my satisfaction that the project will be an attractive addition to the city. Therefore, I must vote against this project".

President Newman observed that the Commission has never been given the right to exercise architectural review over any project.

When the question was called, the Commission voted 5-1 to adopt Resolution No. 7176 and to recommend to the Board of Supervisors and the Redevelopment Agency of the City and County of San Francisco that the proposed redevelopment plan titled Stockton/Sacramento Redevelopment Plan, and marked Exhibit A in the Department City Planning files, be approved. Commissioners Farrell, Fleishhacker, Newman, Porter, and Rueda voted "Aye"; Commissioner Ritchie voted "No".

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

5/2/74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular meeting held Thursday, May 2, 1974.

The City Planning Commission met pursuant to notice on Thursday, May 2, 1974, at 2:00 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Peter Groat, Planner IV - Urban System Analyst; James White, Planner IV; Samual Jung, Planner IV; Daniel Sullivan, Planner IV (Zoning); Marie Zeller, Planner III - Administrative; Robert Meyers, Planner II; Moira So, Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress; and Mr. Flynn represented the San Francisco Examiner.

APPROVAL OF MINUTES

It was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that the minutes of the meetings of March 28 and April 11, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reported that lack of funds may require cancellation of two Commission meetings prior to June 30 unless a supplemental appropriation for $150.00 is submitted and approved by the Mayor and the Board of Supervisors. After discussion, it was moved by Commissioner Porter, seconded by Commissioner Mellon and carried unanimously that Resolution No. 7177 be adopted requesting approval of a supplemental appropriation for the necessary funds.

The Director informed the Commission that the Northern California Chapter of the American Institute of Planners had given the Department of City Planning an award of Merit for the Recreation and Open Space Element of the Comprehensive Plan.

The Director advised the Plan Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) of a Special Meeting scheduled for next Wednesday, May 8, at 12:00 noon to review the Inner-Sunset rezoning request.

The Director reminded the City-wide Comprehensive Plans Committee (Commissioners Newman, Mellon, Ritchie) of the regular meeting scheduled next Thursday, May 9, at 12:00 noon.

The Director informed the Commission that the Board of Supervisors, at its meeting on Monday, had put over for two weeks final passage of the moratorium ordinance on condominium conversions. Further consideration is being given to the possibility of raising the 25-unit exception to the moratorium to 100 units.

The Director announced that the Commission had been served with a notice of commencement of a court action concerning the Environmental Impact Report and Conditional Use for expansion of Saint Mary's Hospital. Such a notice is required by State law, and we do not as yet have any further papers concerning the suit.

James White, Planner IV, reported on the current status of the Northwest Corridor (Geary Corridor), Transit Study and responded to questions which were raised by members of the Commission.

PRESENTATION OF 1973 HOUSING INVENTORY REPORT.

Peter Groat, Planner IV - Urban Systems Analyst, presented and summarized the report and responded to questions raised by members of the Commission.

R74.21 - JUSTIN HERMAN PLAZA EXTENSION, ASSESSOR'S BLOCKS 202 AND 203.

Samuel Jung, Planner IV, reported on this matter as follows:

"The Director of Property has forwarded the proposal for the construction of Phase 2 of Ferry Park, now known as Justin Herman Plaza, with the project area E-1 (Golden Gateway) and adjoining land owned by the City, State and the Redevelopment Agency.

"The land which will provide for Phase 2 construction is situated between the Alcoa Plaza, The Embarcadero and Clay and Washington Streets. The property is now used principally for the Clay-Washington on and off ramps for The Embarcadero Freeway. Davis Street, now closed to through traffic, will remain closed to vehicular activity. The Department of Public Works has a sewage pumping station on the southwest corner of Drumm and Washington. The use of land around the station will be granted by a Public Works permit. The parcels owned by the Redevelopment Agency will be deeded to the City for recreation and park purposes. The ownership of the State property will remain with the State of California. The use of the State lands for park purposes has been covered by a previously executed cooperative agreement.

"The proposal is in conformity with the Northern Waterfront and the Recreation and Open Space elements of the Master Plan. However, this determination should not preclude the use of the State-owned land situated between the Clay Street on-ramp and the northerly right-of-way line of Clay Street for street purposes to realign vehicular access to The Embarcadero upon demolition of The Embarcadero Freeway."

Commissioner Porter remarked that the Recreation and Park Department had been reluctant to assume responsibility for maintenance of the Alcoa Plaza; and she wondered if the responsibility for maintenance of the Justin Herman Plaza extension would be thrust upon the Recreation and Park Department over its objections, also.

Edward Ong, representing the Redevelopment Agency, stated that the proposal for extension of the plaza had been presented to the General Manager of the Recreation and Park Department and to the Recreation and Park Commission; and no objection had been expressed in either case.

Commissioner Ritchie remarked that the areas under the freeway ramps will be in perpetual shade; and he asked what type of landscaping would be installed in those areas. Mr. Ong replied that the areas beneath the ramps would be developed with walkways and landscaped with a hardy ground cover.

Commissioner Mellon observed that the areas beneath the freeway ramps may be used by street artists.

The Director recommended that the proposal to use the subject properties for park purposes be approved as in conformity with the Master Plan provided that such use of the land does not preclude the future use of the land for street purposes along a narrow strip of land parallel and adjacent to the northerly right-of-way line of Clay Street extending from Davis Street to the Embarcadero.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Ritchie, and carried unanimously that the Director be authorized to report that the proposal for use of the subject properties for park purposes is in conformity with the Master Plan provided that the use of the land for park purposes does not preclude the future use of the land for street purposes along the narrow strip of land parallel and adjacent to the northerly right-of-way line of Clay Street extending from Davis Street to the Embarcadero.

At 2:55 p.m. President Newman announced that the meeting was recessed. The members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:00 p.m. for hearing of the remainder of the agenda.

3:00 P.M. - Room 282, Zoning Hearing

CU74.9 - 2109 BROADWAY, SOUTH LINE, 109.5 FEET WEST OF BUCHANAN STREET
REQUEST FOR AUTHORIZATION TO CONVERT THE EXISTING ONE-FAMILY DWELLING TO A TWO-FAMILY DWELLING WITHOUT PROVIDING ONE OFF-STREET PARKING SPACE

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property and then proceeded to read the following statement:

"This case has been calendared before the City Planning Commission based upon statements made in the application on file, under the provisions of Section 166 of the Planning Code entitled Special Provisions for Conditional Uses Regarding Parking in Conversion of Dwellings, which, under certain conditions, permits conversion without the usual 1:1 parking otherwise required.

"Section 166 establishes the following requirements for eligibility for consideration as a conditional use, 'the proposed conversion shall:

" '1. Occur in the course of renovation of the building;

" '2. Result in a total number of dwelling units not exceeding the density that would be permitted for a lot of the same size in an R-2 district, as described in Section 128 of this code, excluding transitional use situations and excluding the provisions of Section 203.2(e) and (f); and

" '3. Be for a property on which the off-street parking otherwise required for the number of dwelling units sought cannot be provided without major structural change, or alterations to the building or lot that would destroy the architectural integrity of the building or significant landscaping.'

"The applicants have stated the purpose of this requested conditional use authorization is to convert an existing dwelling to a two-unit dwelling and maintain that 'we are eligible for this conditional use as this conversion will occur in the renovation and preservation of this dwelling.'

"According to an inspection carried out on August 8, 1966 by BBI, this building was already a two-unit building with the basement used for storage, converted without permit from a single-unit dwelling after 1964 when a building permit was filed indicating the structure as a single unit.

"Field inspections of the interior of the building by the staff on April 29 and 30, 1974 confirmed the conversion of the main three floors of the building had occurred and, further, since 1966, a third dwelling unit had been added in the basement. The conditional use application is clearly in error as the conversion of the building from one to three units has already been accomplished. The first requirement for eligibility is therefore not met.

"The applicants further state the conversion to two units will not exceed the R-2 standards as the lot contains 3,712 square feet. Whilt true for two units, the presently existing three units would exceed the R-2 density provisions which require 1500 square feet for each dwelling unit, or 4500 square feet total. Because of this, the second requirement for eligibility is not met.

"The third requirement for eligibility is also subject to question though it would appear to be unnecessary to go into the matter, unless the Commission wishes me to do so. It is clear the application is not eligible for consideration under Section 166 as a conditional use. The City Attorney also concurs in this conclusion.

"I should note that these eligibility requirements do not apply in the variance procedure, and that might well be the appropriate approach if the applicants wish to pursue their problem further.

"In view of the facts outlined, the Director recommends the case be dismissed due to lack of jurisdiction, and that the application be returned to the applicants. The filing fee, however, should be retained as costs have been incurred because of error on the part of the applicants."

Allan B. Jacobs, Director of Planning, confirmed that his recommendation was that the case be dismissed due to lack of jurisdiction and that the application be returned to the applicant; however, as an alternative, he suggested that the Commission might wish to inquire of the applicant if he would be willing to withdraw the application.

Commissioner Ritchie remarked that the building occupying the subject property is a beautiful structure; and he had understood that the purpose of the Interim Residential Zoning Controls was to help to preserve such buildings. Under the circumstances, it was difficult for him to comprehend why a technicality should make it impossible for the Commission to consider the applicant's proposal; and he asked if there were any other way that the applicant's project could be approved.

The Director stated that the Commission could not consider the applicant's request for legalization of two dwelling units since a total of three dwelling units already exist in the building; however, the applicant could seek to have the dwelling units legalized through variance procedures.

Commissioner Ritchie observed that the beautiful building occupying the property might be demolished unless the dwelling units could be legalized; and he very much hoped that such an event would not come to pass.

Commissioner Porter noted that the Commission had been considering zoning in the Pacific Heights neighborhood for the past two years; and the remarked that she had often expressed the opinion that there are probably many illegal units in the neighborhood. She noted that the subject property had been zoned R-5 when the building was converted into three units; and she pointed out that R-5 zoning would have permitted conversion to a sizable number of units if it had been possible to provide the required number of off-street parking spaces on the site.

Mr. Steele remarked that the Building Code would probably have required interior alterations aimed at fire protection if four floors of occupancy were to have been legalized; and he felt that such construction might have been prohibitively expensive.

Richard A. Olness, the applicant, indicated that he was not prepared to withdraw the application. He stated that he had been quite surprised on the previous day when the staff of the Department of City Planning had requested him to withdraw the application; and he advised the Commission that he continued to be of the opinion that his application met all three requirements for eligibility for consideration as a conditional use. While it might be better to approach the situation from the variance standpoint, his primary objective was to save the house; and the method used to achieve that objective was not his main concern. However, if he were to withdraw the conditional use application at the present time, he feared that he might lose that avenue of approach to the matter. He felt that certain architectural considerations might not be feasible under variance procedures; and, for that reason, he believed that the best thing to do would be to take the Conditional Use application under advisement for 30 days in order to give him an opportunity to decide on the best approach to the problem.

Commissioner Fleishhacker asked if the applicant had observed any inaccuracies in the statement which had been made by Mr. Steele. Mr. Olness replied in the affirmative but indicated that explanation of those points would constitute an argument in behalf of his position that his application was eligible for consideration by the Commission.

Commissioner Porter, noting that no complaints had been filed concerning the conversion of the subject building, asked the applicant why he had decided to file the conditional use application. Mr. Olness replied that he wished the units to be legal; and it seemed to him that the Interim Residential Controls offered a solution to that problem as well as a means of preserving the existing building.

President Newman stated that he was sympathetic with the applicant; however, since both the City Attorney's office and the staff of the Department of City Planning had advised the Commission that the Commission does not have jurisdiction over the application, the Commission could not proceed with the hearing. He suggested that the applicant follow the advice given by the staff and that he file a variance application.

Mr. Olness stated that he disagreed with the City Attorney's office and the staff of the Department of City Planning regarding the Commission's jurisdiction of the application. As indicated by Mr. Steele, there were three requirements which the application would have to meet in order for it to be properly before the Commission; and he felt that his application met all three of those requirements. The first requirement was that the proposed conversion should occur in the course of renovation of the building. He stated that no major alterations had taken place in the building; and, as a result, the building is still easily usable as a single-family residence. The fact that the building is being shared by two families does not mean that the conversion has been completed; and, therefore, the proposed conversion would in fact occur in the course of renovation of the building. The second requirement was that the proposed conversion should result in a total number of dwelling units not exceeding the density that would be permitted for a lot of the same size in an R-2 district; and he felt that that requirement, also, was met by his application. He stated that his building has only one legal dwelling unit at the present time; and the purpose of the application was to obtain legalization for a second dwelling unit in the building. If continued occupancy of the servants quarters in the building by a student would not be legal, he would be willing to abandon that occupancy. The third requirement was that off-street parking for the additional dwelling unit could not be provided without major structural change or alterations to the building or lot which would destroy the architectural integrity of the building or significant landscaping; and he believed that his application met that requirement, also, since creation of an off-street parking space would destroy the facade of a building which was constructed in 1896 without a garage. He indicated that his architect was present in the audience and could speak further on that issue.

President Newman stated that he failed to understand why the applicant was so hesitant about seeking a variance from the Zoning Administrator in view of the fact that the Commission had been advised that it had no jurisdiction over the Conditional Use Application. Mr. Olness stated that he had originally been advised by the staff that his proposal would qualify for conditional use authorization; and he had been encouraged along those lines. He stated that he was somewhat afraid that the variance application would be disapproved if the conditional use application were to be withdrawn at the present time.

Commissioner Ritchie stated that it was obvious that the applicant wished to conform with the law; and he felt that it was lamentable that the Commission was being advised that it does not have the power to hear an application which had been filed in good faith with the encouragement of the staff of the Department of City Planning. It seemed to him that that was a poor way to do business.

Commissioner Porter stated that the purpose of the Interim Residential Zoning Controls was to preserve older residential buildings such as the one presently under consideration; and she observed that the subject building is probably not the only one in Pacific Heights which has illegal units. She felt that the second unit should be legalized and that consideration should be given to the applicant's request for exemption from the off-street parking requirement; and she asked for the Director's recommendation as to the best way for the Commission to proceed.

The Director stated that whether the subject application is dismissed or withdrawn, the applicant would have a legal right to reapply in the future; and, if the illegal dwelling units were abated in the interim, the Commission would legally be in a position to handle the matter.

Commissioner Ritchie asked if legalization of the second dwelling unit through variance procedures would result in a requirement for installation of a garage in the building. The Director replied that the Charter places responsibility for such a determination in the Zoning Administrator and in the Board of Permit Appeals on appeal from the Zoning Administrator's decision.

President Newman emphasized that withdrawal of the Conditional Use at the present time would not prejudice the applicant's right to resubmit the application at a later time if the request for a variance should be denied.

Commissioner Porter suggested that the applicant's filing fee should be returned to him or applied to the variance application since it was apparent that there had been a great deal of misunderstanding involved in the situation.

Mr. Olness asked if the Commission was taking the position that his arguments relative to the eligibility of his application were not valid. President Newman replied that the Commission was bound by the opinion of the City Attorney's office and the staff of the Department of City Planning that it did not have jurisdiction over the application.

Mr. Olness then indicated that he would be willing to withdraw the application. After further discussion the Commission voted unanimously to adopt Resolution No. 7178 and to accept withdrawal of the application.

CU74.11 - 3800 GEARY BOULEVARD AND 375 SECOND AVENUE
REQUEST FOR AUTHORIZATION FOR A PARKING LOT TO BE DEVELOPED AS PART OF A RETAIL TIRE AND ACCESSORY STORE; IN AN R-3 DISTRICT

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular parcel with a 25-foot frontage on Second Avenue and a maximum depth of 120 feet for a total area of 2,892.7 square feet. The property is presently occupied by a metal building containing an automobile repair and storage facility. The applicant was requesting permission to use the subject lot for open parking

for twelve automobiles as part of the proposed development of the corner, commercially-zoned, lot with a retail tire and accessory store. A total of 28 parking spaces were being proposed for the full development of the site; and the proposal would also include ten service bays, storage and a sales room.

Mr. Gruenberg, representing the applicant, advised the Commission that the subject property and the corner lot were at one time a single lot. The subject lot, which is zoned for residential use, has been used commercially since 1959 and is now occupied by an old and unattractive pre-fabricated building. He felt that the proposed use of the property as a parking lot with landscaping would improve the appearance of the lot. He stated that plans called for construction of a wall along the north property line to protect the adjacent neighbors; and a considerable amount of landscaping would be installed on the site.

President Newman announced that the members of the Commission had taken a field trip to the subject property.

No one else was present to speak in favor of the application.

George Theobald, 317 Second Avenue, stated that he was not opposed to the application; however, he wondered if any consideration would be given to sound-proofing the proposed operation.

Mr. Shragge, also representing the applicant, stated that the service bays would be set back fifty feet from Second Avenue and would be located between fifty and 75 feet from the north property line. He also indicated that most of the activity would be focused toward Geary Boulevard.

Mrs. Theobald remarked that the property is presently used for automobile sales and repairs; and she indicated that that use had generated a great deal of traffic in the area, especially since the automobiles have been driven around the block for testing purposes. She hoped that the proposed use would generate less traffic; and, in addition, if any pneumatic machines were to be used on the site, she hoped that they could be sound-proofed.

Allan B. Jacobs, Director of Planning, observed that the Commission could establish a condition requiring that the doors to the service bays be closed when power tools are being used.

Commissioner Farrell asked about the hours of operation of the proposed facility. Mr. Shragge replied that the facility would probably be open from 8:00 a.m. until 8:00 p.m.

Mrs. Theobald asked if the applicant intended to use signs and balloons on the site. The Director replied that use of such devices is governed by the City's sign ordinance.

Mr. Steele recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Gruenberg replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie, and carried unanimously that the draft resolution be adopted as Resolution No. 7179 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

5/9/74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 9, 1974.

The City Planning Commission met pursuant to notice on Thursday, May 9, 1974, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Richard Gamble, Planner IV; Selina Bendix, Environmental Review Officer; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress; and Mr. Flynn represented the San Francisco Examiner.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Mellon, and carried unanimously that the minutes of the meeting of April 18, 1974, be approved subject to the correction of two clerical errors.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Commission that he will be in Chicago next week to attend the annual conference of the American Society of Planning Officials.

The Director noted that a letter had been received from Mayor Alioto requesting that the Commission set in motion the machinery to bring about modification of the Civic Center Element of the Master Plan so that construction of a performing arts theater on Marshall Square could be considered. The Director indicated that other aspects of the Civic Center Plan need up-dating, also; and he stated that the staff will formulate proposals for revision of the plan to be submitted to the Commission for consideration in July. He remarked that the Civic Center Master Plan currently designates the Marshall Square site for development with a new courts building; and he felt that the Master Plan should be use-oriented instead of being so specific.

Commissioner Mellon remarked that construction of a performing arts center on the Marshall Square site seems eminent whereas other potential uses of the site seem more remote; and, under the circumstances, he felt that it might be better for the Civic Center Master Plan to recommend use of the site specifically for the performing arts center rather than to designate the site for a general type use. The Director stated that the matter would be considered by the staff during its review of the document.

President Newman read a letter which had been received from Mary Louise Strong, President of the Friends of the Library, urging that Marshall Square be reserved as the site for a new Public Library building.

The Director invited the members of the Commission to join members of the staff in a picnic at his home on Sunday, June 2, in honor of Samuel Jung on his retirement.

The Director continued his report with the following comments:

"The Commission requested the department to seek advice from the City Attorney relative to 'spot-zoning' on the reclassification request from R-3 to C-2 for the Phillipine News at 2045 Lawton Street. The case was taken under advisement until receipt of the advice from the City Attorney. We now have the City Attorney's reply which states that he believes that the staff correctly outlined the basic legal considerations involved in the case. I previously indicated that approval of the request for the change of zone would be 'spot-zoning' of questionable legality; and it would seem clear that the City Attorney concurs. In view of this, I would suggest that the Commission calendar the matter for further consideration during its next regular zoning hearing on June 6." The Commission concurred with the Director's suggestion and requested that the matter be returned to its agenda on June 6.

The Director advised the Neighborhood Plans Committee (Commissioners Rueda, Fleishhacker, Ritchie) of a meeting scheduled next Thursday, May 16, at 12:30 p.m.

George Williams, Assistant Director-Plans and Programs, summarized a report recently published by the Mayor's Office of Community Development entitled "New Directions for Programming Community Development and Housing."

President Newman inquired if funds requested by the Recreation and Park Commission for preparation of a Master Plan for Golden Gate Park had been deleted from their budget. Mr. Williams replied in the affirmative but indicated that their staff is proceeding to develop a work program for the project and will seek other sources of funding.

Commissioner Fleishhacker, noting that the Commission had considered a Conditional Use Application at its last meeting in which the applicant had apparently misconstrued certain facts in his application, advised the Commission that all applicants sign an affidavit under penalty of perjury declaring that statements contained in their applications are true and correct to the best of their knowledge; and he felt that the staff should make it clear to applicants that their statements are being made under oath. The other members of the Commission agreed.

R74.9 - CANDLESTICK COVE LAND DONATION

Richard Gamble, Planner IV, reported on this matter as follows:

"The Director of Property has forwarded an offer of donation of land for park use to verify conformity with the Master Plan.

"The Herbst Foundation, which is owner of Lot 1 in Block 4794 and all of Block 4805 has offered to donate the property to the City for park use. The property, between Shafter and Underwood, northerly of Fitch Street, abuts the proposed boundary of the future State Park at Candlestick Cove, hence the property could constitute a desirable addition to the park. As a city park, however, the property is not in a desirable location. It is in an area designated for industrial use in the Plan for Residence and the South Bayshore Plan.

"The proposed location of the Hunters Point Freeway is southeast of Fitch Street, and if it is ever built, it would sever these parcels from the shoreline park. The probability of this freeway's construction has decreased since the route was determined; however, some form of shoreline thoroughfare should be considered a distinct possibility.

"It may be desirable to realign the route onto these properties rather than sever them from the shoreline, and perhaps to exchange part or all of the property for other properties better located for park use. The City should therefore require that it be given flexibility in the disposition and utilization of the properties. Also, the City should be free to donate the property to the State without voter approval. The Herbst Foundation has indicated willingness to allow the City to utilize or dispose of the property without restriction. In addition, the Foundation will donate $10,000 to clean up and improve the property.

"The Eastern Shoreline Plan of the Comprehensive Plan for Recreation and Open Space calls for creation of the shoreline park and expansion and improvement of Bayview Park as a contiguous

recreational complex. Addition of this property or its equivalent at Bayview Park would help achieve this goal."

Allan B. Jacobs, Director of Planning, recommended that acceptance of the donation of the property be approved as in conformity with the Master Plan provided that the terms for such donation permit the city to transfer the land to the State and/or to dispose of it for other public or private use if the State declines to accept. He further recommended that any proceeds from disposition of the property be utilized to purchase other city park land in the South Bayshore district.

Commissioner Ritchie stated that he owns property in the area which the State is negotiating to purchase for the proposed State park; and, for that reason, he intended to abstain from voting on this matter because of a possible conflict of interest.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the Director be authorized to report that the acceptance of the donation of Lot 1, Block 4794, and all of Block 4805 from the Herbst Foundation is in conformity with the Master Plan, provided that the terms for such donation permit the city to transfer the land to the State and/or to dispose of it for other public or private use if the State declines to accept. It was further recommended that any proceeds from disposition of the property be utilized to purchase other city park land in the South Bayshore district. Commissioner Ritchie abstained from voting.

R118.74.7 - DWIGHT STREET VIEWS SUBDIVISION

Richard Gamble, Planner IV, reported on this matter as follows:

"The Director of Public Works has forwarded a tentative map of the above subdivision for Master Plan conformity review. The subject property is located opposite Woodrow Wilson high school between Hamilton Street and the remaining 10 ft. of Holyoke Street (The bulk of this street was abandoned in 1965).

"The area is zoned R-1 and is designated for low density development in the Comprehensive Plan for Residence. Lot dimensions are in conformity with the zoning regulations.

"Lot 32, a large parcel fronting on Karen Court, will probably be resubdivided later. The 76-ft. lot depth will permit six 35-ft. wide lots with areas of 2,660 sq. ft. These would conform to the lot size requirements for new subdivisions."

Allan B. Jacobs, Director of Planning, stated that the subdivision map conforms with zoning provisions; and he indicated that it would further residential development as prescribed in the Plan for Residence. Therefore, he recommended that the subdivision map be approved as in conformity with the Master Plan.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Mellon and carried unanimously that the Director be authorized to report that the subdivision of a portion of Block 6116, as shown on the map of Dwight Street Views, is in conformity with the Master Plan.

At 2:50 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, where they were joined by Commissioner Porter, and reconvened at 3:00 p.m. for hearing of the remainder of the agenda.

3:00 p.m. - Room 282, City Hall

EE74.62 - REPORT OF ENVIRONMENTAL REVIEW OFFICER AND CONTINUATION PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT REPORT AND STATEMENT FOR THE SAN FRANCISCO WASTEWATER MASTER PLAN.

Selina Bendix, Environmental Review Officer, summarized the draft Environmental Impact Report and statement for the San Francisco Wastewater Master Plan and the Master Plan Implementation Program No. 1, the North Point Transporter Project and reported on community concerns which had been expressed during a public hearing which she had held jointly with the Envrionmental Protection Agency. She then responded to questions which were raised by members of the Commission.

The Commission then received comments from members of the audience including Barry Bunshoft, Attorney for the Tribune Publishing Company; George Duesdiecker, representing the Save Lake Merced Association; Jim Ross, a resident of Oakland; Helen Burke, representing the San Francisco Bay Chapter of the Sierra Club; Michael McGill, representing the San Francisco Planning and Urban Renewal Association; and Peter Hebron, representing Friends of the Earth.

Dr. Bendix then responded to comments which had been made by members of the audience.

After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 7180 be adopted with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the final Environmental Impact Report, dated May 9, 1974 concerning the San Francisco Wastewater Master Plan, and the San Francisco Wastewater Master Plan, Implementation Program I, North Point Transport Project, is adequate, accurate, and objective, and does hereby certify the completion of said report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said report does hereby find that the project as proposed will have a significant short-term effect on the environment, and will not have a significant long-term effect on the environment;

"AND BE IT FURTHER RESOLVED, That it is the opinion of the City Planning Commission that the Wastewater Master Plan will have a benefical long-term effect upon the environment."

The meeting was adjourned at 4:25 p.m.

Respectfully submitted

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 16, 1974.

The City Planning Commission met pursuant to notice on Thursday, May 16, 1974, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Walter S. Newman, President.

The staff of the Department of City Planning was represented by Edward I. Murphy, Assistant Director of Planning; George A. Williams, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V-Zoning; Peter Svirsky, Planner V-Zoning; Selina Bendix, Environmental Review Officer; Ronald Jonash, City Planning Coordinator; Richard Gamble, Planner IV; Daniel Sullivan, Planner IV (Zoning); Alec Bash, Planner III; William Duchek, Planner III; Wilbert Hardee, Planner III; Allan Billingsley, Planner II; Nathaniel Taylor, Planner II; Gary Craft, Planner I; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

1:00 p.m. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties in the Inner-Sunset District which were to be the subject of the Zoning applications to be considered at 3:00 p.m.

2:15 p.m. - 100 Larkin Street

Edward I Murphy, Acting Director of Planning, reported that the Board of Supervisors, acting on Monday, had voted to amend the Condominium Moratorium Ordinance by changing the moratorium time from six months to four months. Apartment buildings containing 25 or more dwelling units will be subject to the moratorium.

The Acting Director indicated that the Board of Supervisors had also reviewed the Environmental Impact Report for the Stockton/Sacramento Redevelopment Project and had approved the Redevelopment Plan for that project.

The Acting Director stated that the Board had also approved the designation of the Inner-Richmond area as a residential rehabilitation area.

The Acting Director advised the Commission that the Planning, Housing and Development Committee of the Board of Supervisors will meet next Tuesday

[illegible]
CITY PLANNING COMMISSION

[illegible] Tuesday, May 1[illegible], 1954.

The City Planning Commission met [illegible] at noon to police on Thursday, [illegible] 1954, at [illegible] in the Mayor's Office.

PRESENT: Mayor Charles W. Thomas, Vice-President John [illegible], Commissioner Thomas [illegible], Thomas G. Bailey, John Kitchin, [illegible] Commissioner E. Reece [illegible] Members of the City Planning Commission.

ABSENT: Walter C. Jones, President.

The staff of the Department of City Planning was represented by Thomas [illegible] Morphy, Assistant Director of Planning; George A. Williams, Assistant Director - Plans and Programs; E. [illegible], Acting Director - Implementation; [illegible] Assistant Director; Harry V. [illegible], Peter [illegible], Planner Planning; [illegible] Review Officer; Ronald [illegible], Planner IV; [illegible], Planner IV; [illegible], Planner III; [illegible], Civil Engineer III; [illegible], Planner II; Wednesday [illegible], Planner II; Mary [illegible], Planner I; and [illegible], Secretary.

[illegible] represented the City Planning Commission and this board [illegible] the City Executive Department.

1:00 p.m. - Plan [illegible]

Members of the Commission and staff departed from the Legal Office at 1:00 p.m. to take a field trip to [illegible] the Land Survey Office which were to be the subject of the Planning applications to be considered at 2:00 p.m.

2:15 p.m. - 100 [illegible] Street

Mayor I. Thomas, acting Director of Planning, reported that the Board of Supervisors, acting on behalf of [illegible] the Redevelopment Commission by adopting the [illegible] plan for a six month [illegible] Redevelopment Commission [illegible] the [illegible] subject to [illegible] approval.

The acting Director [illegible] the board of supervisors had also [illegible] the [illegible] for the Redevelopment Commission [illegible] Redevelopment Project and approved the Redevelopment Plan for that project.

The acting Director reported that the Board had also approved the [illegible] of the Tower Building area as a [illegible] rehabilitation area.

The acting Director advised the Commission that the Planning, Housing and Development Committee of the City of [illegible] will meet [illegible]

afternoon to consider the Nob Hill rezoning, the Pacific Heights rezoning, the Turk-Arguello rezoning, and designation of the Mish House and the Quinn House as Landmarks.

Mr. Murphy then continued his report with the following comments:

"As you may recall, the department is now undertaking work leading to the development of a Commerce and Industry Element of the City's Comprehensive Plan. We will be discussing the Work Program for this Element with the Comprehensive Plans Committee in three weeks, and; we anticipate that, once completed, the work will provide the basis for objectives and policies which can be presented to the Commission for public hearings and Commission's action in mid-1975. As part of our preliminary work for this element, we have prepared a request for consultant proposals which covers parts of the work scope where we feel their ideas and assistance is needed. We have approximately $50,000 of HUD 701 Funds which we can use for this purpose. We are planning to send the request to about ten local consultant firms with a strong background in work of this kind. A final decision on consultant services would be made in mid-June."

At this point in the proceedings, Commissioners Farrell and Mellon arrived in the meeting room and assumed their seats at the Commission table.

William Duchek, Planner III, gave a slide presentation which illustrated how enforcement of the city's Parapet Ordinance might result in the disfigurement of many of the city's buildings. Mr. Murphy then recommended adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, The Planning Commission endorses all efforts and programs for the abatement of hazards posed by parapets and building appendages;

"AND BE IT FURTHER RESOLVED, The City Planning Commission states its desire to retain, through repair, reinforcement, or replacement, those parapets and building appendages which are of importance to the special character of San Francisco;

"AND BE IT FURTHER RESOLVED, The City Planning Commission authorizes the staff of the Department of City Planning to take appropriate actions to encourage preservation of such building elements, especially through cooperative action with the enforcing agency, the Bureau of Building Inspection."

Commissioner Porter asked if the Parapet Ordinance requires removal of parapets and other ornamentation which might be a hazard. Mr. Duchek replied in the negative, indicating that the ordinance requires only that any hazards be abated. He remarked, however, that many owners may find it cheaper to remove hazardous ornamentation rather than to re-enforce it or re-construct it.

Commissioner Porter felt that large-scale removal of parapets and other ornamentation would render San Francisco a very ugly city.

Commissioner Ritchie recalled that Honolulu, which used to have a lot of coconut trees, had a standing offer of fifty dollars during the 1930's to anyone who was hit by a falling coconut; and he remarked that no one had ever collected the money. He stated that he was very concerned about the removal of cornices and parapets from buildings in San Francisco; and he remarked that the result would be similar to removing the eyebrows from human beings. Chinatown and the Fairmont Hotel offer two prime examples of how removal of building ornamentation could affect the appearance of the city; and he felt that the citizens of the city should be on the alert as to the type of damage which could be done. He believed that building owners being faced with orders from the Bureau of Building Inspection to abate hazards would tend to remove dangerous ornamentation rather than to strengthen or replace it because of the cost involved; and he felt that the results would severely and negatively affect the visual appearance of the city. Under the circumstances, he felt that the City Planning Commission should be in a position to have some control over the situation.

After further discussion it was moved by Commissioner Fleishhacker and seconded by Commissioner Rueda that the draft resolution be adopted.

Commissioner Mellon advised the Commission that the matter might be somewhat academic since the Finance Committee of the Board of Supervisors had recommended deletion of funds from the budget which were to have been used to hire people to enforce the Parapet Ordinance. He stated that the Bureau of Building Inspection was sympathetic to the concerns which had been expressed by members of the Commission; and he indicated that the people who will be hired if the jobs are funded will readily be able to determine whether it would be practical to re-enforce hazardous ornamentation in any given instance.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7181.

Mr. Murphy recommended that the Commission's Regular Meeting scheduled for next Thursday, May 23, be cancelled. It was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that the meeting be cancelled.

R74.118.9 - CLAY-HILL 60 UNIT CONDOMINIUM SUBDIVISION AT 1230, 1250 and 1260 CLAY STREET.

Richard Gamble, Planner IV, reported on this matter as follows:

"The Director of Public Works has forwarded the subject map for Master Plan conformity review.

[illegible]

"Clayhill Condominium consists of three buildings at 1230, 1250, and 1260 Clay Street between Taylor and Jones Street. The buildings, constructed before the one-to-one parking requirement came into effect, have 60 units and up to 57 parking stalls. (The usability of some stalls is doubtful). The two westerly buildings contain 24 one-bedroom units each, the easterly building has 12 one-bedroom units, but almost 50 per cent larger in floor area.

"Legislation establishing a moratorium on condominium conversions is currently before the Board of Supervisors. At issue is how few units must a condominium have to be exempt from the moratorium. Twenty-five units were initially proposed, but the real estate industry wants to draw the line at 100. In any case, Clayhill would be exempted because it would predate the existence of the moratorium.

"A spokesman for the subdivider informs us that prices for the small units will be $32,000-$35,000 and $50,000-$53,000 for the large units. The rents are currently $200-$225 in the small ones and $250-$300 in the large ones. The subdividers are optimistic that they can retain many of the current renters. They have a commitment for 80 per cent 30-year loans, and hope to make other financing arrangements for 90 per cent loans. With this financing they think many renters could become owners with very small, if any, increases in housing costs. The income tax advantages of home ownership would compensate for the additional costs. Purchasers will be free to arrange their own financing if they wish.

"While very favorable arrangements may be possible for many of the tenants, others will certainly be forced out. Long-time tenants, retirees on limited incomes and young and old alike who don't have savings are not potential purchasers. The subdivider indicates a willingness to help solve these problem cases. As owner of seven other buildings, he has some relocation resources of his own. Also, some potential buyers plan to be absentee owners and will make those units available for rent to existing tenants. The projected sales period is one year and tenants will be given 90 days notice of eviction if sales or rental arrangements cannot be worked out. Because of the small scale of this conversion a long sales period is not practical, but due to the small scale, it should be possible to give each tenant enough personal consideration to minimize displacement problems.

"The Comprehensive Plan for Residence calls for measures to minimize displacement and to improve rehousing services and to provide opportunities for citizen involvement. To further these objectives several conditions to Planning Commission approval are recommended."

Gilmar J. Anselmo and William Fuller, the developers, were present to answer any questions which might be raised by members of the Commission.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Commissioner Fleishhacker, noting that the case report which had been sent to members of the Commission had stated that the subdividers were optimistic that many renters could become owners with very small, if any, increase in housing cost; and he asked if that statement were correct. Mr. Fuller replied that the staff's interpretation of his remarks was not entirely correct. He anticipated that monthly payments for the smaller units would be approximately $241.00 based on a 90% loan; and, while that rate might be slightly higher than the rental fees now being paid, he indicated that ownership would include an off-street parking space whereas renters are presently required to pay approximately $30.00 for parking spaces in the buildings.

Commissioner Fleishhacker then asked if the monthly payment of $241.00 would cover maintenance costs and taxes. Mr. Fuller replied in the negative and estimated that an additional $40.00 per month would be required for maintenance and that an additional $80.00 per month would be required for taxes. After Commissioner Fleishhacker observed that the approximate monthly cost of a $30,000 apartment would actually be $361.00, Mr. Fuller emphasized that taxes and loan payments would be tax deductible. Thus, the next monthly cost would actually be considerably less than $361.00.

Commissioner Fleishhacker remarked that it was still obvious that the condominium subdivision would, in fact, increase the cost of living in the buildings.

Mr. Fuller stated that some people have lived in the buildings for 20 years; and he pointed out that they would now be well on their way to ownership if they had been given an opportunity to buy their units initially. He stated that ownership opportunities are badly needed in downtown San Francisco.

Commissioner Fleishhacker then asked when the buildings were purchased and if they were purchased with condominium conversion in mind. Mr. Anselmo replied that he had purchased the buildings two or three months ago with a condominium subdivision in mind.

Commissioner Ritchie felt that the monthly loan payments would actually be somewhat higher than those assumed by Mr. Fuller because of the present market situation.

No one else was present in the audience to be heard on this matter.

Mr. Murphy recommended that the tentative subdivision map be approved as in conformity with the Master Plan providing that the applicant would be willing to undertake the following:

A. To furnish favorable financing so that renters will be able to purchase units with the resulting housing cost comparable to January 1974 rent levels;

[illegible] 1974

B. To defer any evictions until the latter half of the sales period so as to allow maximum time to arrange re-housing, and

C. To immediately initiate discussions with tenants or a tenant group to assure their participation in the transition to condominium ownership.

Commissioner Porter asked if the conditions which had been recommended by Mr. Murphy would be acceptable to the applicant. Mr. Anselmo replied in the affirmative.

Commissioner Fleishhacker remarked that the first condition made little sense unless one were to give a very wide definition to the word "comparable"; and he suggested that the condition be re-worded as follows: "To furnish favorable financing so that renters will be able to purchase units with net resulting housing cost comparable to January 1974 rent levels, if possible". Other members of the Commission agreed that those changes should be made in the condition.

Mr. Fuller stated that they wished to retain as many of the present tenants as possible; and, for that reason, they would gladly comply with the third condition which had been recommended by Mr. Murphy. In reply to a question raised by Commissioner Mellon as to the number of people would had indicated an interest in purchasing the units which they presently occupy, he stated that he was forbidden by law from discussing the matter with his tenants at this time; however, he indicated that a couple of the tenants had talked to their building manager and had indicated an interest in purchase of their units.

After further discussion, it was moved by Commissioner Fleishhacker and seconded by Commissioner Ritchie that the Acting Director's recommendation, as modified, be approved.

Commissioner Rueda stated that he would vote against the motion because he was personally opposed to the condominium conversion of older apartment buildings which may require considerable expenditures for maintenance and up-keep.

When the question was called the Commission voted 5-1 to act in accordance with the Acting Director's recommendation, as revised. Commissioners Farrell, Fleishhacker, Mellon, Porter, and Ritchie voted "Aye". Commissioner Rueda voted "No".

R73.57A - MUNI TRANSFORMER STATION IN AN OPEN SPACE DISTRICT ON LAGUNA HONDA HOSPITAL PROPERTY.

Richard Gamble, Planner IV, reported on this matter as follows:

"The Director of Property submitted six transformer substation sites for Master Plan conformity review in October 1973. Three of these were of non-controversial nature and were approved by you on March 7,

1974 (Judah at 32nd Ave., Taraval at 32nd Ave. and Sutter at Fillmore). The remaining three were in open space zones and are undergoing substantial study and modification to minimize their effect upon the open space areas. The Laguna Honda site studies are complete; the remaining two require detailed design consideration and will come to the Commission at a later date.

"The Twin Peaks Tunnel runs beneath the hospital grounds. Transformer facilities at West Portal and Church Street stations serve the tunnel's extremities, but a facility is required to serve the central portion of the tunnel. The midpoint of this service area is roughly below Twin Peaks Boulevard. Here the ground surface is 500 feet above the tunnel and would necessitate drilling an access shaft estimated to cost half a million dollars.

"Muni's initial proposal was to locate its facility adjacent to the existing ventilation shaft in a hollow at the northeast corner of the Laguna Honda hospital site. Several alternates in the immediate vicinity were considered, and the most satisfactory site adjoins the hospital's power plant and laundry facilities. This location is on the edge of the open space district, in an unwooded area, and is as far removed from residential development and the visible portions of the open space area as possible. Section 290 of the Planning Code provides that 'the height and bulk of buildings and structures (in OS districts) shall be determined in accordance with the objectives, principles and policies of the Master Plan, and no building or structure or addition shall be permitted unless in conformity with the Master Plan'.

"The Plan for Recreation and Open Space speaks to the problem of locating supporting facilities in open space in the jurisdiction of agencies other than the Recreation and Park Department and sets forth the following criteria: (1) demonstration of the necessity of the facility to provide the public service of the agency, (2) proof that alternate sites have been given serious consideration and (3) an assessment of the effects of the facility on the site and surrounding neighborhood.

"The provision of these transformer substations is an essential part of Muni's power improvement program, one aspect of the modernization of the City's transit system which is assigned 'first priority' in the Plan for Transportation. The site finally selected is one of five studied. The least expensive site, right at the ventilation shaft, was rejected in order to minimize intrusion in the open space. The most expensive alternate, involving drilling a new shaft above the tunnel's midpoint, had the added disadvantage of being in the Twin Peaks open space. At the site which has been selected the environmental impact will be minimal; the hospital's laundry and power facilities produce more noise, and the facility will not be visible from the surrounding neighborhood.

"While the substation cannot readilly be entirely removed from the open space area, its incursion can be ameliorated by surrounding the building with a dense landscape screening similar to the surrounding vegetation and by painting the building a dull green color."

Stan Davis, representing the Municipal Railway, stated that he was present to answer any questions which might be raised by members of the Commission.

No one else was present in the audience to be heard on this matter.

Mr. Murphy recommended that the proposed transfer of jurisdiction of the property be approved as in conformity with the Master Plan provided that the structure be painted a dull green color and surrounded with a dense landscape screening similar to the wooded area of the open-space.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the Acting Director be authorized to report that transfer of jurisdiction of a 50 by 100 foot plot on Laguna Honda hospital grounds, as shown on PUC D-2169, is in conformity with the Master Plan provided that the structure be painted a dull green color and surrounded with a dense landscape screening similar to the wooded area of the open space.

EE74.82 - APPEAL OF A NEGATIVE DECLARATION BY THE DEPARTMENT OF CITY PLANNING RELATIVE TO A PROPOSAL FOR TWENTY-TWO DWELLING UNITS IN FOUR BUILDINGS AT 120 CORWIN STREET.

Wilbert Hardee, Planner III, described the proposed project and explained the reasons for the staff's finding that the proposed project could not have a significant effect on the environment. Based on that finding, the staff had issued a negative declaration on April 19, 1974, and that negative declaration had been appealed.

The Commission then heard from members of the audience who wished to speak on this matter including Jude Laspa, 4426 19th Street; Robert Davis, 415 Douglas Street; Sue Hestor, President of the Eureka Valley Promotion Association; Bert Schwarzschild, 363 Douglas Street; George Lu, owner; John Bunting, agent for the developer; Annette Clark, a resident of Seward Street; and Harold Major, architect for the developer.

After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried 4-2 that Resolution No. 7182 be adopted finding that the proposed project could not have a significant effect on the environment and affirming the negative declaration issued by the Department of City Planning. Commissioners Fleishhacker, Mellon, Porter, and Rueda voted "Aye"; Commissioners Farrell and Ritchie voted "No".

Vice-President Porter then asked the pleasure of the Commission concerning a request which had been received from Sue Hestor, President of the Eureka Valley Promotion Association, asking that the plans for the proposed project be made the subject of a discretionary review by the Commission. After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that Resolution No. 7183 be adopted indicating the Commission's intention to conduct a discretionary review of plans for the proposed buildings at 3:30 p.m. on June 6, 1974.

ZM73.30 and ZM73.35 - INNER SUNSET RECLASSIFICATION: AREA GENERALLY BOUNDED BY LINCOLN WAY, ELEVENTH AVENUE, LAWTON STREET, LOCKSLEY AVENUE, FOURTH AVENUE, PARNASSUS AVENUE, IRVING STREET AND POLYTECHNIC HIGH SCHOOL. R-4 and R-3 to R-2; AND R-3 and R-2 TO R-1.

Vice-President Porter asked R. Spencer Steele to report on the zoning matter.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator) used land use and zoning maps to identify the subject property which was the area generally known as the Inner Sunset bounded by Lincoln Way, Eleventh Avenue, Lawton Street, Locksley Avenue, Fourth, Parnassus Avenue, Irving Street and Polytechnic High School, only including the area within those boundaries which was designated as "affected area" on the map. Mr. Steele pointed out that the area under consideration in ZM73.35 was comprised of 890 lots and approximately 36.34 acres; the area in ZM73.30 was comprised of 34 lots and was approximately 2.35 acres. Mr. Steele pointed out that the existing uses in the subject area were primarily residential with some scattered neighborhood stores, a few offices, board and care facilities, and gas stations. Residential densities vary from single and two-family units to medium and high density apartment buildings. In general, densities are highest near Golden Gate Park and are lowest south of Judah Street. None of the 890 lots, except for a few owned by the University, are presently vacant. As a consequence, new construction has proceeded mainly with the demolition of existing units, replacing these with wood frame buildings having two to three stories of housing over a garage.

Mr. Steele pointed out that institutional uses in the area include office and classroom space for the U. C. Medical Center in former residences along Fourth and Fifth Avenues between Judah and Kirkham Streets, and along Third Avenue between Irving Street and Parnassus Avenue, a PG & E power sub-station on Ninth Avenue between Judah and Kirkham Streets, the Laguna Honda Public School located in the block bounded by Sixth and Seventh Avenues and Irving and Judah Streets, two churches located on the northeast corner of Fifth Avenue and Irving Street, and one on the west side of Seventh Avenue between Irving and Judah Streets, and a community center located on the east side of Tenth Avenue between Irving and Judah Street. A small strip of park is located between Seventh and Locksley Avenues north of Warren Drive.

[illegible]

Mr. Steele pointed out that the application was not made relative to intermediate districts, and that therefore the Commission could not consider districts which fall between what existed and what was applied for.

Vice-President Porter asked if this had been pointed out to the applicant. Mr. Steele responded that it was the wish of the applicants not to amend the original application.

Mr. Steele pointed out that there were four things that the Commission could do:

1. Approve the changes as requested;
2. Disapprove the changes as requested;
3. Approve a portion of the application and disapprove a portion of the application; or
4. Consider the initiation of an application wherein the City Planning Commission could consider intermediate districts.

Mr. Steele pointed out that a draft of a resolution had placed before the Commission to consider the same application giving jurisdiction to the Commission to consider intermediate uses, and suggested June 6, 4:00 p.m. for the hearing.

Vice-President Porter said that the Commission felt deeply about the time situation.

Commissioner Fleishhacker suggested that the Commission proceed with the hearing.

Edwin Williams, 1465 Ninth Avenue, member of the Inner Sunset Action Committee (ISAC), introduced the applicant's presentation by indicating that his group had done a survey of the residents and that a study on housing had been prepared by the University of California. He indicated that the Inner Sunset had approximately 1000 residential structures of which one-half were built before World War II. He pointed out that the homes were spacious and of architectural interest. He said that 6000 people live in the area and that that number was equal to the number who came into the area, but housing was difficult for families with children; therefore, the district should retain larger older units. The area was in close proximity to the park. He felt that this was a critical point in the history of the area, the pressures were great, but there was still time to retain family dwellings, and this should be done if the city was interested in retaining families.

Robert J. LaPointe, from the Community Affairs Office for U. C. Medical Center, and representing Chancellor Sooey and the University of California, said that he endorsed the concept of rezoning but felt that it should be reviewed on a block by block basis. He indicated that the University owns property on Third and Fifth Avenues which are used as offices, and that it was the University's hope that they could be restored. He indicated that the Chancellor believed that rezoning would be very helpful.

Vice-President Porter observed that the University has the right of eminent domain which supersedes the power of the City Planning Commission. She inquired of Mr. LaPointe as to whether he was saying that the blocks to be rezoned would be retained as R-2 as per the ISAC request. Mr. LaPointe responded that it was not the University's desire to change the zoning and that it would work with the community.

Vice-President Porter commented that the community wanted R-2 not R-3, and that trying to do logical rezoning in the area was difficult. She felt that it was hard to believe that the University would retain their property at R-2 density. To this, Mr. LaPointe responded that he could not make a commitment for the University in the case of all residences.

Kathleen Courtney presented petitions which had been collected on a block-by-block basis. She presented a map indicating the property owners and the non-resident properties. She said that her group had sent letters to every property owner and every resident in March. One month later they had sent a letter to every property owner. From this information they had pulled together a fact sheet. They had received 2,100 signatures and not all of those were in yet.

Walter A. Susor, a property owner and resident of 1216 Second Avenue, summarized the following prepared statement:

"When I moved to the Inner Sunset 5 years ago the neighborhood was deteriorating badly. Since then, it has stabilized. This has come about through the efforts of individual property owners and tenants who are showing a renaissance of interest in the Inner Sunset as a neighborhood - as our home. ISAC and several Ad Hoc groups have formed here in response to the plight of the neighborhood in the 60's. The arrest of the neighborhood decay of the 60's was largely the result of the effort of individuals without assistance from the City, except for some technical and material support for ISAC's 3 tree planting projects

"We are now asking for some help. We are asking you to grant us zoning designations which are more commensurate with the existing structures and their existing use. Although the decay of the neighborhood has been arrested, recovery is not complete by any means. There are still many flats and homes being allowed to decay. Maintenance is being deferred by owners who are discouraged from making repairs - largely because of the excessive zoning. 'Why should I spend a lot of money maintaining my flats when the city assessor tells me that my R-4 lot has twice the value of the 2,600 sq. ft. flats on it?' 'Because it is my house and I hope to stay here a long time and when I move I hope to recover capital improvements cost in the selling price.' But in the meantime, the excessive zoning imposes a financial hardship on myself and my neighbors.

"At my end of the neighborhood, Second Ave., and almost all of the Inner Sunset the houses and flats were built about the time of the

earthquake, of an architectural style and structural solidity which is impossible to duplicate today at a cost any of us can afford. Thus, the real real estate values in the neighborhood are in the structures - the flats and fine old houses - not the land. It is really the architectural integrity of the neighborhood which must be preserved. To assure that the neighborhood will recover fully we must have the guarantee of appropriate zoning protection.

"The flats of San Francisco are a valuable asset to the city which I feel are being overlooked by planners. The 2-family flat is tailored to a person like myself, of limited means, who is starting a family and at the same time trying to establish a career. The flats allow me to purchase a house with ample space, a yard, and architectural integrity and I can defray part of the cost by the rental unit and defer some income tax by depreciation of the rental unit.

"The class of people I represent may not be very vocal, but we are the real backbone of the city. We are also in far greater numbers than the contractors and deserve greater consideration than we have received in the past. After all we are permanent residents of the city, paying our taxes year after year.

"To me and most of my neighbors, the current excessive zoning means that: 1) property tax assessment on the lot is unrealistically high, 2) I lose income tax depreciation on the rental unit due to the skewed land/improvement ratio, 3) there is an ever present threat that a high density apartment will suddenly appear next door or behind me or across the street to change the character and force me out by making the surroundings unsuitable for my children, and 4) there is an ever present temptation to defer maintenance while waiting for the big offer from an apartment developer, which, in most cases, never comes."

Vice-President Porter responded that Mr. Tinney, the Assessor, had told her that property assessments were based on property use, not on zoning designations. She said that there was a great deal of confusion on whether more tax is paid because of higher zoning.

Mr. Susor presented a map to the Commission showing part of the affected area.

Vincent Faber, 1225 Fifth Avenue, an officer in ISAC, summarized his view point presented in the following letter:

"My wife and I own and occupy a Duplex on Fifth Avenue. It is in a nice location, next to our beautiful Golden Gate Park.

"We have two children, ages 5 and 6 who play in our garden. We enjoy the grass and flowers in our garden. Across from our backyard is a typical Six Unit Crackerbox apartment house. On that property

used to be a typical Inner Sunset Duplex with a nice green grassy yard. It is now all concrete and serves as an outdoor parking garage - typical of the way San Francisco is being destroyed day by day.

"We have lived in San Francisco for twelve years and in our present house for six years.

"We like San Francisco ... or at least, we did.

"We are thinking very seriously about LEAVING San Francisco, and probably WILL DO SO, because:

"1) the schools are lousy - read the reports if you didn't know

"2) City planning in San Francisco is designed for the quick buck for developers and contractors and is ripping off the residents.

"To quote Barbagelata on 4-23-1974 in turning down the Buena Vista Neighborhood Association request for down-zoning Roosevelt Way:

'This city was never designed as a single family city...'

"3) Six unit crackerboxes as well as twenty-unit crackerboxes are replacing backyards and attractive housing all over the city.

"Take a look at the garbage just built by UC Realty on Tenth Avenue and Lincoln Way...

"We don't care to continue to live in a City which rips off its residents in this manner. We will present our case via the Inner Sunset Action Committee (ISAC) on May 16th."

Vice-President Porter commented, in response to Mr. Faber's letter, that San Francisco had more controls than any city in the nation, and that the city was not zoned to make a quite buck for developers. She felt that the Interim Controls went a great distance in taking care of the situation where the development of an R-3 building would have a 45-foot backyard. Regarding leaving the city, she said that you could buy a three-bedroom house in Daly City for $30,000, but it was her view that when people are ready to leave the city, they leave the city. To this Mr. Faber responded that rezoning would take always the speculative value for an owner who would normally let a building wear out and let the bulldozers take over.

Joseph Minocchi, a resident of 6th Avenue, indicated his view by submitting the following statement:

"I would like to see the neighborhood in which I live retain its unique character. I urge you to put a real limit on any increase

EFFECT ON THE [illegible]

[illegible] 19[illegible]

[illegible] of the way San Francisco is being [illegible]

"We have lived in San Francisco for twelve years [illegible] bought for [illegible]

"We like San Francisco [illegible] of people, etc. [illegible]

"We are thinking [illegible] house [illegible] San Francisco, and probably $111,000 [illegible]

"(1) [illegible]

"(2) City planning in San Francisco is designed for the benefit of developers and contractors and [illegible] the residents.

[illegible] Villa Neighborhood Association request for [illegible]

"[illegible] they never [illegible]

"(3) Six unit developments [illegible] are replacing [illegible] the city.

"[illegible] look at the [illegible] at [illegible] Lincoln Way...

"We don't care to continue to live in a city where [illegible] residents [illegible] this [illegible]

[illegible] Mr. Sabegh's [illegible] San Francisco [illegible] and that it was not [illegible] that the [illegible] of the [illegible] development [illegible] would have [illegible] bedroom house [illegible] for $1[illegible] people [illegible] leave [illegible] only leave the [illegible]

[illegible] Neighborhood [illegible]

of high density building by approving this rezoning request. The area is already overcrowded with people and cars. We don't want any more single and double family dwellings demolished by some profiteers idea of progress. Many a concerned resident, interested in preserving the architectural integrity of the neighborhood, has remodeled and landscaped his home. To prove that we are determined not to be driven out by a hoard of realtors, contractors and politicians who say they are trying to solve the present and future problems of overpopulation by making sure that everyone is housed in a low-ceilinged, low cost (to the builder) cubicle known in the 'trade' as a unit.

"Real progress consists of a balance within nature which allows growth only when needed.

"We in our neighborhood, and I think other neighborhoods as well, would like to see an end put to this shabby system which allows profit-makers to create a false need and then demand the right to fill it. This system of planned obsolescence and false markets, allowed to rage unchecked by culpable public servants, has brought our nation to the brink of ruin by squandering and exhausting our natural resources. It is just as intent on devouring the world's resources so that any predictions on the fate of future generations everywhere seem forebodings of disaster. Today let us begin to rise again from the depths of personal greed and disunity just as almost two hundred years ago the 'shot heard round the world' started the forces of freedom, democracy and individual rights moving to unprecedented heights."

Martha Gardner, a resident 1221 Third Avenue, indicated that her husband purchased that house approximately a year and a half ago. She submitted the following statement:

"We bought our house here because we thought it had a certain character that did not exist in the tract homes or condominiums of the suburbs. We feel that the downzoning will preserve this type of house which is most predominate now in our neighborhood. We already have many apartment structures in our neighborhood and the population density is high. The existing apartment structures are compatible with the rest of the neighborhood in their style while providing many places to live. With the apartment structures on the corners, the middle lots have some yard space and living room. Although we do have many other reasons for wanting the rezoning downward, our principal desire is to preserve our neighborhood by disallowing the construction of new multi-apartment structures."

Joseph Hirschman, 1376 6th Avenue, a resident owner, indicated that he had owned his property since 1968, and was familiar with the reasons for down-zoning and was certain that the Commission was also. He indicated that there were reasons people leave the city, and reasons that people live in the city, but he felt that the Inner Sunset could not stand a higher density. He

[illegible] May 10, 1971.

[illegible]

[illegible]

[illegible]

indicated that there was a way to minimize density and that was to approve the down-zoning request. He pointed out that it was very difficult to park in the area during the week and felt that some action should be taken to solve the problem. He cited the following negative reasons for leaving the city: 1. Schools; 2. Transportation; and 3. Dirty streets and sidewalks. He pointed out the positive factors for staying in the city: 1. Crime was going down; 2. There were cultural events in the city; and 3. There was architectural and structural integrity. He indicated that he worked in Burlingame but did not want to live in Burlingame. He felt that down-zoning would encourage citizens to put money into their homes without the threat of speculation surrounding them.

With respect to leaving the city, Vice-President Porter pointed out that she could not remember a meeting during which someone did not threaten to leave the city.

Mrs. Annette Murphy, 1344 5th Avenue, summarized the following prepared statement:

"I have lived in this city all my life. 1344-5th Ave. has been my home since 1942. I went to school, played out in front with the children on the block, we took art classes at the DeYoung Museum, used the equipment in the Golden Gate Park play ground, roller skated at the school yard on 6th Avenue, went exploring in Sutro Forest, made forts in the then sand lot on 2nd Ave, took piano lessons from the lady on 7th Avenue, and slept over at my friends homes throughout this neighborhood.

"My house and these homes are real family homes. Big rooms, big back yards, storage space, good public transportation, and the remnants of a business district. Between the rapid growth of U.C. and its uncertainties for the future, the contractors desire to build and the city's zoning of this area, it is now on the verge of becoming a new slum at the edge of a street level freeway.

"Less family homes, less real families. More cars, less open play space and more traffic on the streets to live with. More apartments, less families and more transient occupants. Transient means fewer old friends. Transient means 'It's not my problem and I'm moving soon anyway, so I won't get involved'. We have that in our neighborhood now and we don't want or need any more. We want you to zone the properties to be in accordance with what is there on the land now, not to reflect what could be there.

"This city hasn't been able to hold the quality of people that it has produced. Of my high school class, 1% lives in this city, ME. My friends say, 'I won't rear my children there, I go and visit my folks, work there, and we've been to the zoo and that stuff on the weekend a couple of times, but live there, not us.' That's 99% of my class. Lowell 1956, 105 students.

[illegible]

[illegible]

[illegible]

"You Commissioners can at least prevent a greater population density from developing in the Inner Sunset by zoning these properties as requested by the Inner Sunset Action Committee. Help us retain what is left of a marvelous group of homes for the backbone of our society 'THE FAMILY'."

Anna Thompson, 1327 - 7th Avenue, summarized the following prepared statement:

"My name is Anna Thompson. My sisters and I own Lots 4, 5, and 6 in Block 1762, and live at 1327 - 7th Avenue (1762-6). My father bought the property shortly after the 1906 earthquake, so you can see that we have been residents of the Inner Sunset for a long time. We have watched it change and grow and have always enjoyed all the advantages of an ideal location for moderate income family living, with nearby stores, schools, churches, play areas, and transportation. Although the one-family home, in a variety of sizes, predominated, there were also flats and apartments, which somehow seemed to be mainly on corners and did not block out backyards and windows on adjoining properties. Recently, there has been an alarming change, a building boom that threatens the residential quality of the Inner Sunset. UCSF has wiped out whole blocks of homes, and now builders are razing family homes to replace them with multi-unit apartments, too small and too expensive for family living.

"For petition signing I covered only the one small block (1762) on which I live. The general reaction was 'Why wasn't something done sooner?' One tenant on Seventh Avenue, after signing the petition, said, 'We are heartsick. Come, see what has taken the place of the Park trees and Mt. Tamalpais when I looked out my side window. Now I keep the shade drawn,' and she lifted it to display a wall of unpainted plywood. On Eighth Avenue, the resident-owner whose window is now covered by a side wall has a room that before the apartment was built had sunlight but must now be lit with electric light. However, she is even sadder about the destruction of her plants by the builder and the sunlight that has been permanently taken away from her backyard garden. Others on Eighth Avenue regretted the loss of the view they had enjoyed of the trees on Mt. Sutro. Their back windows now look out on walls. There was the young doctor and his wife who said they wanted to buy a home in the area but couldn't compete with speculators. Others said they feared what would happen to the enjoyment of their homes and yards if the place next door was sold. These are not isolated examples, because when I talked with other petitioners, the same fears were expressed.

"The greatest tragedy is that the older housing with its essentially good architecture and space for family living, once destroyed, will be permanently lost as housing stock suitable for moderate living, because experienced builders have said it would not be economically sound to build anything like them today.

"The existing zoning invites speculation and provides for higher density in an area already burdened with problems of traffic and parking. It indicates to builders what can be expected in the future, so the interim controls are no help. In the petitions you have a tangible consensus of how the majority of the residents and property owners feel. The rezoning petition reflects more accurately the existing patterns. Help preserve the residential quality of the Inner Sunset by approving the rezoning petition."

At the close of her testimony she presented the following statement from Leo E. Hagan:

"My name is Leo Hagan. I am a resident and property owner in the Inner Sunset and have lived at 1371 - 4th Avenue for the past 21 years. I am a member of ISAC and also a member of the Laurel Heights Property Owners Association and both of these organizations are working to preserve the residential character to encourage young couples with family to move in, and this has happened on 4th and 5th Avenues.

"There have been considerable improvements on 4th Ave. and Parnassus and Irving in the past two years in painting and improvements to several structures and due to this renewed interest, property values and the quality of the neighborhood is improving.

"I am strongly in favor of the proposed rezoning of the Inner Sunset and urge you to approve the applicant's proposal."

John Olsen, 1475 - 8th Avenue, a home owner, summarized the following prepared statement:

"I am strongly in favor of the proposed rezoning of the Inner Sunset and urge you to approve the proposal before you today.

"I firmly believe the only hope to assure the future quality of life in the Inner Sunset is to retain its present residential character and rich diversity of individuals and housing structures. We are fortunate to have an unusually wide variety of residents, with differing life styles and racial, economic and social backgrounds. We also have a sound and varied housing stock with many old homes, flats and buildings of high architectural character and spaciousness which are still reasonably priced compared to real estate values in many other centrally located areas of San Francisco. Consequently, it is one of the few remaining centrally located urban areas of the City with good surrounding facilities where <u>families with children</u> of moderate income can still afford to own or rent their own homes. The Inner Sunset Area has a much higher density problem than most other San Francisco neighborhoods because of the close proximity of the University of California Hospital complex and the large number of older apartment houses located in the

"The [illegible] [illegible] [illegible] [illegible] and [illegible] higher density [illegible] [illegible] [illegible] burdened with problems of traffic and parking. [illegible] [illegible] [illegible] [illegible] [illegible] of the [illegible] [illegible] [illegible]. In the petition, we have a tangible [illegible] of [illegible] majority of the residents and property owners [illegible]. The [illegible] [illegible] reflect [illegible] the existing [illegible]. Help preserve the residential quality of the Inner Sunset by [illegible] the rezoning petition."

At the close of the hearing, the [illegible] read the following statement from Leo H. [illegible]:

"My name is [illegible]. I am a resident and property owner in the Inner Sunset and have lived [illegible] 4th Avenue for the past [illegible] years. I am a member of [illegible] and also a member of the [illegible] Heights Property Owners Association. [illegible] of these organizations are working to preserve the residential character to encourage young couples with family to move in, and [illegible] 4th and 5th Avenues.

"There [illegible] [illegible] [illegible] [illegible] on 4th, 5th and [illegible] [illegible] in the past two years [illegible] [illegible] [illegible] to several [illegible] and due to [illegible] [illegible], property [illegible] and the quality of the neighborhood [illegible].

"I am [illegible] in favor of the proposed rezoning of the Inner Sunset and urge [illegible] the [illegible]."

John [illegible] - [illegible] Avenue, [illegible], summarized the following prepared statement:

"I am strongly in favor of the proposed rezoning of the Inner Sunset and urge [illegible] approve the proposal before you today.

"I [illegible] believe the only hope to ensure the future quality of life in the Inner Sunset is to retain its present residential character and rich diversity of [illegible] and housing structures. We are fortunate to have a community with variety of residences, with differing life styles, [illegible] [illegible] and social backgrounds. We also have a mixed and [illegible] [illegible] [illegible] old homes, flats and buildings of high architectural character [illegible] still [illegible] [illegible] compared [illegible] [illegible] in [illegible] other [illegible] [illegible] [illegible]. [illegible], it is one of the few remaining centrally located [illegible] areas of the City [illegible] [illegible] families with children of moderate [illegible] can still afford [illegible] [illegible] [illegible]. The Inner Sunset also has a good [illegible] density [illegible]

area, usually on corner lots, and the increasing number of newer multiple unit apartments being constructed in the area. Nevertheless, the Inner Sunset housing stock on most blocks still consists primarily of older single family homes and flats, but unfortunately the present zoning classifications do not reflect this situation. Most of the Inner Sunset is zoned R-3 and R-4, which makes it particularly attractive to real estate and development interests who find the area particularly attractive for construction of new, architecturally nondescript, multiple unit buildings which are quickly destroying the present residential character of many blocks such as 10th Avenue between Judah and Irving Streets. As an example of the existing inequitable zoning classifications, block No. 1845 where I live is zoned R-3, yet 75% of the building structures on this block are R-2 type structures. This ratio is typical of several other blocks in the immediate area.

"Interim zoning regulations do not solve the unique problems of density facing our neighborhood. Interim controls do not stop real estate speculation with its concurrent bad effects on the area, and are as the name implies 'interim'. Interim controls do not help preserve the quality of life in our area, and they do not stop the destruction of single family homes, but only increase speculation by real estate and development interests whose only concern is to maximize profits, and not love of the neighborhood and its quality of life.

"With some stabilization of the U.C. Hospital complex, residents have recently been improving their homes, and young families with children such as mine are buying these homes instead of absentee landlords. Trees have been planted and the residents are taking a renewed interest in this historical San Francisco neighborhood.

"I urge you to help us continue the improvement of the Inner Sunset by approving the rezoning on 8th Avenue and immediately adjacent streets from R-3 to R-2, and thereby rectify the inequities of the past. I also urge you to approve the rezoning requests for other Inner Sunset areas and thereby help assure the delicate balance of people and retain the architecturally distinctive older homes and buildings which are not replaceable, and give our neighborhood its unique character."

Joseph A. Rydberg, 1453 - 10th Avenue, summarized and presented the following prepared statement:

"A striking example of encroachment of multi-unit residential structures on a typical family area is in evidence in a three block area in the Inner Sunset.

"In the 1400 block of 10th Avenue there were only 34 apartment units 15 years ago. Now there are 66 apartment units or an increase of 94 percent. Fourteen of the newer units have been built in the last 8 or ten years and the last 4 in 1973.

[illegible]

[illegible]

[illegible]

"In the 1300 block of 10th Avenue there were only 37 units 15 years ago. Now there are 91 units or an increase of 145 percent.

"By far the worst encroachment is in the 1200 block of 10th Avenue. Fifteen years ago there were only 12 units on this block. Now there are 108 units or an 800 percent increase. A large number of these units were built in 1973 and many in early 1974. One structure with a large number of units is in the final stages of construction.

"In conclusion I would point out that the 1200 block is already ruined as a family neighborhood, the 1300 block is headed for this same dubious end and we would want to stop its insidious growth in the 1400 block.

"As a representative of the applicants of the 1400 block of 10th Avenue, I strongly urge the Planning Commission to act favorably on our application for rezoning to halt this encroachment with all its negative impacts."

At the conclusion of his presentation, Mr. Rydberg presented the statement of Jane S. Rowe, a resident owner at 1457 - 10th Avenue:

"I am speaking in favor of the proposed rezoning.

"As you know, two rezoning proposals are being considered here simultaneously. The residents of my block on 10th Avenue became aware of the zoning problem about a year ago when another apartment house replaced a home on our street. We appeared at the Board of Permit Appeals attempting to prevent that construction, but failed and were advised to file a rezoning petition. Our rezoning request was filed last summer. Last fall, when the ISAC group became interested in the problem, we joined them. The problems of the 1400 block of 10th Avenue are the same as those of the rest of the Inner Sunset. We look on the two applications as one. We must have zoning protection to maintain our neighborhood.

"My husband and I work at the U.C. Medical Center. We chose the Inner Sunset as a place to live and raise our children. We can spend our time with our family rather than commuting.

"There are many other advantages to raising a family in the city. We get to know people of many other backgrounds and life styles, and people of all ages. The children can play in our grassy yards or in a nearby playground. We can use all the fabulous facilities of the Golden Gate Park.

"We fear that without zoning protection, our neighborhoods will no longer be suitable for family life. More cars in and out of apartment house driveways will imperil children playing. Pleasant gardens

need sunshine. The transient, non-family nature of many apartment dwellers will diminish the desirability of our neighborhood.

"We want the Inner Sunset to remain a place for families, too. Rezoning is the only way this can happen. Unless zoning laws are changed to protect the neighborhood, more and more apartment houses will be built. Families like ours will be forced to move to a more compatible area."

Denis Mosgofani, 1227 10th Avenue, indicated that he had moved to San Francisco from Los Angeles one year ago. Two weeks after he moved into his home, two homes were destroyed in his block. In the period between July and Christmas, 71 new buildings were started in his area. When he asked Mr. Steele about the Interim Controls, he found out that there were five more applications for more apartments on his street which were not affected by the Interim Controls since they had been applied for before the adoption of the Interim Controls. He pointed out that there was a high density of apartments and that they were not for families. He felt that San Francisco would eventually be a human jungle or Manhattan West.

Vice-President Porter asked what percentage of the properties in San Francisco were R-1. Mr. Steele responded that between 50 and 60% were R-1. Vice-President Porter felt that this percentage of R-1 and the Additional R-2 in the city tended to negate the argument that the area was becoming Manhattan West.

David Salazar, a resident of Irving Street, indicated that he had lived in the area all his life. He had seen 7 houses torn down which meant that seven families had moved away. In their place 45 units of apartments appeared. He indicated that if this continued he could not be a San Franciscan any more and that the situation would be unbearable.

Vice-President Porter indicated that there were 62 letters in favor of the reclassification, and 16 letters in opposition. She then called on the opponents to speak.

Michael McCormac, 401 Judah, a real estate agent, developer, and a resident, felt that there should be a category for those with mixed feelings. He felt there was a need for apartment housing, and believed that zoning should meet the needs of the people. He indicated that when he had married, he had rented an apartment and he felt there was a need for realtors to provide rental units. He felt he could make similar points to the ones he had made when he commented on the Richmond re-zoning. He suggested preserving family areas on the cross-streets and avenues and agreed that they should be down-zoned. On the other streets - Lincoln, Judah, and Irving - zoning should be retained. He felt that ISAC had a problem in the Hugo Street area, and agreed with restriction of zoning in that area. He said that most of the homes were of the single family and duplex nature and that not one more car could fit into the area. He agreed that apartments do not belong in the single family area. But he pointed out that not one

building under construction has been built under the Interim Controls, and he assumed that no applications had been received for buildings under those controls. He indicated that economically it was not feasible to build under the Interim Controls, and builders were forced by economics not to build. He pointed out that the Interim Controls have yet to be tested.

Mary Orr, a small investor, and a realtor, stated that she lived in the Richmond but had purchased 3 sets of flats on 7th Avenue. She had relied on the 3-R report which indicated that her area was zoned R-4 and she felt this was logical in that it was near a gas station. Since she was almost next to an industrial area, she felt it was unfair to be faced with a down-zoning, especially when she had plans to improve her property. She wanted to maintain the existing zoning so that she could make better use of her property.

Adel Nepomuceno, 409 Kirkham Street, addressed the Commission as follows:

"I am a San Francisco resident since 1963 and presently owns and resides at 409 Kirkham Street with my wife and three children. I am objecting to the downzoning in general and in particular to the downzoning from R3 to R1 of Kirkham Street between 7th and 9th Avenues for the following reasons:

"1. The downzoning is discriminatory because multi-family unit is the prevailing structure along Kirkham Street between 8th and 9th Avenue:

"a) North Side - 2-multiple, 3-two story flats, 3-single family
"b) South Side - 3-multiple, 5 single family

"In addition there are three neighborhood commercial establishments at the corner of Kirkham and 9th Avenue.

"2. ISAC presented only 14 signatures out of 35 property owners of the Kirkham block between 7th and 9th Avenue. The signatures were obtained not only from property owners but also non-owner residents. The signatures were also obtained on false representations that property taxes will be lowered and that property values will not decrease.

"3. ISAC also stated that you can rebuild your structure to its previous design in case the building is destroyed. It is my experience as a City Employee that you go thru all sorts of red tape to build a structure if it does not conform to the existing zoning at the time of application. A request for variance and a shifting of responsibility usually occurs after a zoning has been in effect for a year or more.

building under [illegible] the Interim Controls and he assumed that no [illegible] had been received [illegible] district. He indicated that [illegible] it was the [illegible] the Interim Controls [illegible] forced by [illegible] He pointed out [illegible].

Mary Ord, [illegible] Richmond but [illegible] 9th Avenue. [illegible] the 2-4 [illegible] was logical [illegible] an industrial [illegible] especially [illegible] with the [illegible].

Adel [illegible], 409 Kirkham Street, [illegible] as follows:

"I am a San Francisco resident since [illegible] and presently own and reside at 409 Kirkham Street with my wife and three children. I am objecting to the downzoning [illegible] and in particular to the downzoning from R3 to R1 of [illegible] between 7th and 9th Avenues for the following reasons:

"The downzoning [illegible], because multi-family units is the prevailing character [illegible] between 7th and 9th Avenue.

"a) [illegible] two-family, [illegible] flats, 5-single family
"b) South side - [illegible], 1 single family

"In addition there are three [illegible] neighborhood commercial establishments at the corner of [illegible] and 9th Avenue.

"The [illegible] presented only 14 signatures out of 35 property owners of the Kirkham block between 7th and 9th Avenues. The signatures were obtained not only from property owners but also non-owner residents. The signatures were also obtained on false [illegible] that property taxes will be lowered and that property values will not decrease.

"The [illegible] also stated that one [illegible] the structure or its [illegible] in case the building is destroyed. It is my experience [illegible] that [illegible] if it does not conform to the existing zoning at the time of application. A request for variance and a [illegible] of responsibility usually [illegible] after a [illegible]

"I do not represent any vested group of realtors or builders. I am a city employee investing in an income property for future source of income.

"I therefore request and recommend to the members of the Planning Commission to retain the R-3 zoning for Kirkham Street between blocks 8th and 9th Avenue.

"Thank you for your consideration in the matter."

Ira S. Kohn, owner of property at Tenth Avenue and Lincoln Way which is occupied by a gasoline service station, advised the Commission that his property will have to revert to residential use in 1980; and, if the property were to be reclassified from R-4 to R-2, as proposed by the applicants, he did not feel that residential development would be feasible. He emphasized that the property exists as a small island between larger buildings; and he urged that the R-4 zoning of the site be retained.

Andrew G. Bacigalupi, son of the owner of property located at 1212 Eleventh Avenue, stated that his father's property is a corner lot which also has frontage on Lincoln Way. He remarked that Lincoln Way is hardly suitable for adult living and is certainly not a good residential environment for children; and he felt that reclassification of properties along that street from R-4 to R-2 would be a completely arbitrary action. He believed that no more than one dwelling unit could be constructed on his father's property if the property were to be re-zoned to R-2. In conclusion, he stated that he was of the opinion that his father's property should not be discriminated against merely because it has 100 feet of frontage on Eleventh Avenue and only 32 feet of frontage on Lincoln Way.

At this point of the proceedings Commissioner Mellon returned to the meeting room and reassumed his seat at the Commission table.

Mrs. May Laughran, 11 Clayton Street, represented an elderly lady who resides at 1264 6th Avenue. The property owned by the woman is zoned R-3; and Mrs. Laughran felt that down-zoning of the property to R-1 would be unfair.

Ken Nelson, owner of property located at 1222 8th Avenue, stated that he had recently purchased his home and advised the Commission that he had spent $5,000.00 in the last six months to upgrade the pair of flats which occupy the site. He believed that there is a need for R-4 zoning in the city; and he was of the opinion that the integrity of the subject neighborhood could be maintained through the restrictions imposed by the Interim Residential Zoning Controls. He urged that the existing zoning of his property be retained.

John O'Leary, owner of property on 8th Avenue between Lincoln Way and Irving Street, felt that the applicant's proposal should be modified to some degree. He stated that he had not previously been aware of the Interim Residential Zoning Controls; however, he was well aware of Building Code restrictions to the extent that he knew that developers are quite limited with regard to the types of developments which are permitted. He indicated that he supported approximately 50% of the applicant's request; however, rather than having the entire application approved, he would prefer that the existing zoning be retained.

Jon B. Eremeef, 521 Judah Street, remarked that certain streets such as Lincoln Way, Judah Street, and Irving Street are not really family-residential in character. The avenues, on the other hand, are family areas; and he felt that the applicant's proposals were suited to such areas. He advised the Commission that his property was zoned R-3 when he purchased it and that it is developed with four legal dwelling units. He stated he would not have purchased the property unless it had had R-3 zoning; and he felt that down-zoning of the property, as requested by the applicant, would lower the value of the lot.

Richard Jackman, 152 6th Avenue, stated that he is a single person; he felt that there was little to be gained by reclassification of his property from R-2 to R-1; and he remarked that such reclassification would reduce his options.

Keith E. Fitch, owner of property at Hugo Street and 6th Avenue, stated that his property is zoned R-3 and is occupied by a four unit building. While the building is not very active at the present time, he stated that it was his intention to restore and up-grade the structure; and he felt that a change of zone would not be of any help to him in his endeavor.

Vincent Walsh, owner of property in the 1300 block of 11th Avenue, stated that his property was not affected by the subject application. However, he saw nothing wrong with the present zoning of the Inner Sunset district. He stated that he regarded the Interim Residential Zoning Controls to be a monumental mistake; yet, having been adopted, he felt that they should at least be given a chance before large-scale re-zonings take place.

Chuck Yue, owner of property at 1492 9th Avenue and 444 Kirkham Street, urged that the R-3 zoning of his property be retained.

Howard E. McLin, 1590 8th Avenue, stated that he has owned his property since 1952. The property is occupied by a two-story, two-unit, apartment building. While that building had been typical of the scale of the neighborhood when it was purchased, other properties in the area have been developed more intensively during the interim; and, as a result, he felt that reclassification of his property and others in the area from R-3 to R-1 would have a discriminating affect against him since he and one other neighbor own the only small buildings in the area.

John O'Leary, owner of property on 5th Avenue between [illegible] and Leroy Street, said that he was definitely opposed to the [illegible] to some degree. He stated that he has not previously been [illegible] of the Interim Residential [illegible] hearings, or [illegible] restrictions as the council [illegible] that developers are quite limited with regard to the types of development which are permitted. He indicated that he supported apartments [illegible] the applicant's request; however, unless other parties [illegible] he would prefer that the existing zoning be retained.

[illegible] S. [illegible] commercial [illegible] at [illegible] Lowe Street and [illegible] Street [illegible]. The [illegible], on the other hand, [illegible] he felt that the [illegible] were [illegible]. He advised the [illegible] that his [illegible] it and that it is developed with [illegible] would not have increased the [illegible] zoning and [illegible] down-zoning of the property as requested by the applicant would lower the value of the [illegible].

Richard Jackman, [illegible] felt that there was little to be gained by reclassification of this property from R-2 to R-1; and he requested that such reclassification would [illegible] his options.

Keith J. Fitch, owner of property at [illegible] Street and 6th Avenue, stated that his property is zoned R-3 and is occupied by a four unit building. While the building is not fully occupied at the present time, he stated that it was his intention to develop and upgrade the apartments and he felt that a change of zone would not be of any help to him in his endeavor.

Vincent Walsh, owner of property in the [illegible] block of 11th Avenue, stated that his property was not affected by the subject application; however, he was [illegible] with the present zoning of the Lower Bench division. He stated that he supported the interim residential zoning controls [illegible] he felt that there should be given a chance before large-scale [illegible] have taken place.

[illegible] owner of property at 1159 9th Avenue and [illegible] Kitchen Avenue, urged that the R-[illegible] zoning on his property be retained.

[illegible], [illegible], 1550 [illegible] Avenue, stated that he has owned his property since 1952. The property is occupied by [illegible] building, and that building had [illegible] the [illegible] other property [illegible] during the [illegible]; he felt that [illegible] of his property and others [illegible] would have a [illegible] against [illegible] over the only small buildings in the area.

Tim Eichenberg, representing SPEAK, stated that his organization strongly supported the Inner Sunset's "down-zoning" request.

A member of the audience stated that 120 buildings with four units or more have been constructed in the Inner Sunset district in recent years. As a result, he felt that it was obvious that the Inner Sunset is being subjected to the same sort of pressures as was the Richmond district; and he emphasized that neighborhood requests for "down-zoning" in the Richmond district had been approved by the Commission. He then read and submitted the following letter which had been addressed to the Commission by Assemblyman John L. Burton:

> "I am writing on behalf of the Inner Sunset Action Committee's proposal to re-zone the thirty-eight block area bounded by Tenth Avenue, Lincoln Way, Arguello Boulevard and Kirkham Street from a predominantly R-3 and R-4 designation to an R-1 and 2 residential area.
>
> "I believe the strongest argument for down-zoning this neighborhood lies in the current residents' desire to preserve the single family residential character of the area and to avoid the destruction of that character by impingement of multiple unit apartment structures. As you know, low to moderate cost family housing is already at a premium in San Francisco, and I share the Committee's concern about its continuing depletion.
>
> "I hope the Commission will see fit to act favorably on the Committee's proposal both in order to retain the limited single family homes in existence and to preserve the integrity of the neighborhood in accordance with the residents' wishes."

Joseph N. Minahan, 1377 9th Avenue, stated that he supported approximately 95% of ISAC's proposal for re-zoning. However, on behalf of his landlady, he urged that certain exceptions be made. One of the exceptions involved reclassification of the property on the southwest corner of 9th Avenue and Kirkham Street from R-3 to R-1. He stated that the building has 8 to 10 units and has existed for some time; and, under the circumstances, he felt that reclassification to R-1 would be unfair. The second exception which he suggested was a parcel of property located on Lincoln Way between 10th and 11th Avenues. He stated that that parcel of property is the only lot in the block currently occupied by a single family dwelling; and he felt that reclassification of that property from R-4 to R-2 would not make good sense.

Mariko Tse, 1237 8th Avenue, read and submitted the following prepared statement:

> "I am in favor of re-zoning my block from R-4 to R-2. This may seem odd since my side of the street is composed of 8 apartment buildings and only 4 residential style flats. This reflects the type of

street that results from R-4 zoning. I am presenting some of the viewpoints I have heard from residents during the past weeks.

"In total, there are approximately 45 units on the west side of the street; I have tried to reach each resident. Oftentimes no one was at home and/or did not respond to my written messages, slipped under doors. I collected about 80 signatures. I was unable to contact about 20 units. Of the residents I did contact, 17 people refused to sign the petition, 3 of whom were property owners. In the case of the property owners, there was a strong feeling that rezoning would depreciate the property values because they would not be able to sell to contractors who could expand the existing structure. The other property owners do not live on the block. One did respond favorably to our mailed letters.

"The main reasons for refusal were: do not sign any petitions, did not want to get involved, moving out soon, too sick to come to the door, afraid the rent would go up, had company, or not interested. Several people refused to come to their doors.

"However, many residents did sign and were very positive in their attitude towards re-zoning. They showed their support by signing the petition even though they lived in the kind of structure that would be restricted as a result of rezoning.

"They live in apartments because it is close to work or school or for economic reasons. Having chosen this dwelling for practical reasons, they still are aware of the 'residential quality' of the Inner Sunset. They enjoy the older structures, the diversity of the ethnic groups, the personal touch from the smaller stores, the range of ages and occupations, and the feeling of a smaller neighborhood. They have an affinity for the beauty of many of the homes here and some are hoping that some day they will be in a position to have something similar. They also enjoy the proximity of the Park.

"They are all too aware of the noise and parking problems attendant upon high density living areas from first hand experience. They feel that there are sufficient high density dwellings and urge that the delicate status quo be maintained by re-zoning."

Mr. Steele presented his recommendation to the Commission as follows:

"The two applications for rezoning in the Inner Sunset now before you have been analyzed with respect to the stated desires of the residents, the predominant present uses in the area as determined by field inspection check and Assessor's Records, the provisions of the city's Master Plan, the effect that proposed zoning categories would have on new development, the effect that interim zoning controls would have on new development, the probabilities for demolition and replacement of existing buildings, and the Residential Zoning Study presently under

way, which will include the Inner Sunset district along with much of the city. Another major factor in considering the applications is the absence of a provision in ZM73.35 for consideration of intermediate zoning classifications. Therefore, in instances where the application calls for a rezoning from R-4 to R-2 or from R-3 to R-1, we are not given the alternative in this application to consider an intermediate zoning classification. (R-3 and R-3.5 in the case of the R-4 to R-2 request and R-2 in the case of the R-3 to R-1 request).

"Area South of Judah Street and the North Frontage Along Juda Street

"1. Area requested to be rezoned from R-3 to R-2, with the exception of the Judah Street frontage and the University-owned block between Fourth and Fifth Avenues, is recommended to be rezoned to R-2.

"Reasons:

"The area consists predominately of single and two-family dwellings with some multiple family dwellings interspersed. Further development of multiple family dwellings at R-3 densities within this area would significantly alter the neighborhood's low density residential character, as such buildings, even with Interim Controls, would be out of character with the existing smaller residences and present densities.

"2. Frontage along Kirkham Street between Seventh and Ninth Avenues requested to be rezoned from R-3 to R-1 is recommended to remain R-3.

"Reasons:

"This strip consists of a mixture of one and two-family dwellings with multiple family dwellings interspersed, and does not differ significantly from surrounding areas being recommended for reclassification from R-3 to R-2. This strip might also have been appropriate for reclassification to R-2, but that alternative is not permitted by the application.

"3. The frontage along both sides of Judah Street between Tenth and Eleventh Avenues, between Seventh and Ninth Avenues, and on the north side of Parnassus Avenue where it joins Judah Street between Fourth and Fifth Avenues and the University-owned block south of Judah Street between Fourth and Fifth Avenues, requested to be rezoned from R-3 to R-2, are recommended to remain R-3.

"Reasons:

"There are presently a significant number of multiple family dwellings along the Judah Street frontage, and it is quite an active street. The streetcar line that serves the street west of

[illegible] will include a [illegible] Center [illegible] along with [illegible] Another [illegible] in considering the application in the [illegible] provision in [illegible] for consideration under [illegible] classifications. Therefore, in instances where the [illegible] a [illegible] R-2 or R-3 to R-4, [illegible] the application to consider [illegible] R-4 [illegible] R-3 to R-4 [illegible] R-3 to R-4 [illegible]

[illegible] Zone Change and the North Pioneer Along [illegible]

[illegible] be [illegible] from R-3 to R-4 [illegible] the [illegible] and the [illegible] to be [illegible] R-4.

"Reasons:

[illegible] single and [illegible] buildings [illegible] R-4 [illegible] after the [illegible] such [illegible] of [illegible] with the existing smaller [illegible]

[illegible] between Seventh and [illegible] Avenue [illegible] R-4 [illegible]

"[illegible]:

[illegible] of one and [illegible] buildings [illegible] R-3 to R-4. [illegible] or [illegible] R-4 [illegible] the application.

[illegible] along both sides of North Street between [illegible] and North Avenue [illegible] Avenue [illegible] North Street [illegible] and the [illegible] south of [illegible] and [illegible] requested to be changed from [illegible] to [illegible] to [illegible] R-4.

"Reasons:

[illegible] of [illegible] the [illegible] Pioneer [illegible]

Ninth Avenue, and commercial activity along the street create a character which is consistent with retaining the R-3 zoning. In short, land use on Judah Street cannot presently be characterized as predominately one and two family residences.

"The University-owned block although containing a number of occupied dwellings, is presently in predominately university use. The University has further requested that its property not be rezoned to R-2.

"4. Frontage along Sixth Avenue running from midblock between Irving and Judah Streets to Locksley Avenue, requested to be rezoned from R-2 to R-1 is recommended to remain R-2.

"Reasons:

"This strip is presently a mixture of single and two-family dwellings, having more single family structures than two-family. However this area does not differ significantly from the surrounding R-2 districts, and it is highly unlikely that new development will occur in an R-2 district, especially since these dwellings are quite large and well-maintained. The R-2 zoning may allow the creation of a second unit in some circumstances. This could give the owners the opportunity to economically maintain their properties while remaining as owner-occupants. Since the Planning Code requires additional parking to be provided for such a new unit, such conversions should not worsen the present parking conditions.

"5. The strip of Water Department Land located north of Lawton Street between Seventh and Locksley Avenues, requested to be rezoned from R-2 to P, is recommended to be rezoned to P.

"Reasons:

"This small strip of land is city-owned and is a continuation of the open space to the south presently zoned P. This is an appropriate rezoning for this city-owned parcel.

"Area Between Irving and Judah Streets

"1. The eastern frontage along Tenth Avenue, both frontages along Eighth Avenue, and both frontages along Fourth Avenue including a portion of the Parnassus Avenue frontage east of Fourth Avenue, requested to be rezoned from R-3 to R-2, are recommended to be rezoned to R-2.

"Reasons:

"These areas consist predominately of single and two-family dwellings with some multiple family dwellings interspersed. Further development of multiple family dwellings at R-3 density within this

area would significantly alter the neighborhood's low density residential character, as such buildings, even with Interim Controls, would be out of character with the existing smaller residences.

"2. The western frontage along Tenth Avenue, the western frontage along Seventh Avenue and the University-owned property on the western frontage of Third Avenue requested to be rezoned from R-3 to R-2 are recommended to remain R-3.

"Reasons:

These areas along Tenth and Seventh Avenues consist predominately of multiple family dwellings. Development of apartment buildings has already changed the character of these areas and interim controls under R-3 zoning should keep future development at a reasonable scale.

"The University-owned property is presently in predominately university use. A rezoning to R-2 would not appear to be necessary or appropriate.

"3. Frontage along Irving Street between Third and Seventh Avenues, requested to be rezoned from R-3 to R-2 is recommended to remain R-3.

"Reasons:

"Land-use is predominately multiple family dwellings along the Irving Street frontage interspersed with several stores and offices in addition to single and two-family residences. The streetcar line serves this portion of Irving and the street is very active. Transit accessability, existing land use, and activity support retention of the R-3 district. This frontage is simply not appropriate for R-2 zoning.

"4. The property of Laguna Honda Public School located between Sixth and Seventh Avenues, requested to be rezoned from R-2 to P, is recommended to be rezoned to P.

"Reasons:

"This is the appropriate zoning category for a public school and a precedent has been established for such rezonings.

"Frontage of Lincoln Way and Tenth Avenue and West Side of Eight Avenue North of Irving Street

"1. Frontage along Tenth Avenue and the western frontage of Eight Avenue, requested to be rezoned from R-4 to R-2, are recommended to remain R-4.

[illegible]

"Reasons:

These frontages have already been developed with numerous multiple family dwellings in recent years, many at R-4 densities, and the streets no longer retain the character of predominately single and two-family residential streets. Interim Controls should keep future development at a reasonable scale. R-3 zoning might be appropriate for this property, but as before, that alternative is not permitted in this application.

"2. The Lincoln Way frontage, requested for reclassification from R-4 to R-3 and R-2, is recommended to remain R-4.

"Reasons:

"Much of this frontage is already developed as multiple family dwellings with a few gas stations and stores interspersed. Much of the reasoning that applies for Tenth Avenue similarly applies here. Master Plan recommendations should also be considered which recommend intensification of density for this property which overlooks Golden Gate Park. That portion of the frontage requested for R-3 zoning is the most intensively developed of the frontage. A rezoning of that portion of the frontage to R-3 while leaving the less densely developed frontage in R-4 zoning would be inconsistent.

"Area East of Eighth Avenue Between Irving Street and the Lincoln Way Frontage

"1. The block between Seventh and Eighth Avenues excluding the Lincoln Way frontage, requested to be rezoned from R-4 to R-2 is recommended to be rezoned to R-2.

"Reasons:

"The area consists predominately of single and two-family dwellings with some multiple family dwellings interspersed. Further development of multiple family dwellings at R-4 densities within this area would significantly alter the neighborhood's character. Such buildings, even with Interim Controls, would be out-of-scale with and would have a significantly higher density than the smaller residences.

"2. Midblock areas in 8 of the blocks bordering Hugo Street between Seventh Avenue and Arguello Boulevard and the eastern frontage on Arguello Boulevard, requested to be rezoned from R-3 to R-2 are recommended to be rezoned to R-2.

'Reasons:

"These dwellings have [illegible] been developed with numerous multiple family dwellings in recent years, but at low densities and the intent is to [illegible] retain the character of predominantly single and two family residential streets. [illegible] should [illegible] development at a reasonable scale, and [illegible] might be appropriate to this property, but a [illegible] alternative is not permitted in this application.

"3. The Lincoln Way frontage, requested for rezoning from [illegible] R-5 and R-5, is recommended to remain R-4.

'Reasons:

"Much of this frontage is already developed at [illegible] densities with a few [illegible] and recent [illegible]. Much of the reasoning that applies for Tenth Avenue [illegible] applied here. [illegible] from the recommendation [illegible] which recommend [illegible] of density for this property which overlooks [illegible]. The [illegible] of the frontage [illegible] R-3 zoning is the most intensively developed of the vicinity. A rezoning of that portion of the frontage to R-5 while leaving the rest [illegible] developed frontage in R-4 zoning would be inconsistent.

'Area East of Eighth Avenue between Irving Street and the Lincoln Way Frontage

"1. The block between Seventh and Eighth Avenues excluding the Lincoln Way frontage, requested to be rezoned from R-4 to R-5 is recommended to be changed to R-3.

'Reasons:

"The area consists predominantly of single and two-family dwellings with some multiple family dwellings interspersed. Further development at [illegible] densities within this area would significantly alter the neighborhood's character. [illegible] buildings, even with [illegible] would be [illegible] and would have a [illegible] higher density than the smaller [illegible].

"2. [illegible] Street and [illegible] Avenue and [illegible] Boulevard, [illegible] to be rezoned from R-4 to R-5 are recommended to be changed to R-3.

"Reasons:

"Although the corners of these blocks are generally developed with multiple-family apartment buildings and stores, the midblock areas consist predominately of single and two family dwellings. Furthermore, the streets have a quiet small-scale residential character consistent with that of one and two family residence neighborhoods. This mixture of one and two-family dwellings in midblock areas with multiple dwellings and stores on the corners would be desirable to preserve.

"3. Corner properties in blocks bordering Hugo Street, some street frontages, plus the entire block between Sixth and Seventh Avenues north of Hugo and the entire blocks between Third and Fifth Avenues south of Hugo, requested to be rezoned from R-3 to R-2, are recommended to remain R-3.

"Reasons:

"The corner properties and some excluded street frontages consist predominately of multiple family dwellings and neighborhood stores more consistent with that allowed under R-3 zoning than R-2. The block between Sixth and Seventh Avenues and the two blocks south of Hugo between Third and Fifth Avenues are simply too dominated by multiple family dwellings to justify any reclassification to R-2.

"4. The midblock area excluding corner properties between Fifth and Sixth Avenues south of Hugo Street, requested to be rezoned from R-3 to R-1 is recommended to remain R-3.

"Reasons:

"The area requested for reclassification consists of almost an even mixture of one, two, and three-family dwellings, quite similar to other midblock areas along Hugo Street recommended for reclassification to R-2. Less than 50% of the properties involved contain single-family dwellings. For this reason and the reasons given before concerning reclassification to R-1, such reclassification would not be appropriate. While this area might be appropriate for reclassification to R-2, that alternative is not allowed in this application."

Commissioner Fleishhacker reviewed the options which were open to the Commission and which included 1) disapproval of the application, 2) approval of the application, 3) approval of the application in part and disapproval in part, and 4) to take the matter under advisement and to initiate a new application which would permit the Commission to consider intermediate zoning categories; and he suggested that the alternative which would be most consistent with good zoning and good planning might be the fourth one which he had mentioned.

Commissioner Mellon observed that the applicants had previously indicated that they were not interested in intermediate zoning categories.

Edwin Williams, 1465 5th Avenue, stated that the subject applications had been filed during the first week in November when the Interim Residential Zoning Controls were not yet in effect and when it was assumed that those controls would not apply to R-2 districts; and, as a result, ISAC had been under considerable pressure to be very conservative in its re-zoning request. Mention had been made of the possibility of intermediate zoning categories only recently; and he and his associates had not felt that they could accede to such recommendations without bringing the matter before the full membership of their organization.

Vice-President Porter, emphasizing that the Interim Residential Zoning Controls are now in effect and that no buildings had been constructed in the subject neighborhood under those controls, asked if the applicants, given those circumstances, would be satisfied with the recommendation which had been made by the staff of the Department of City Planning. Mr. Williams replied that the staff recommendation was complicated in nature; and he felt that the best thing would be for the Commission to take the matter under advisement so that he could discuss the issue further with members of his organization.

Commissioner Ritchie stated that the things which he had heard during the course of the meeting had made him feel that ISAC's program was better thought out than the recommendations of the staff of the Department of City Planning and that it had taken into account the character and needs of the neighborhood. He believed that the Commission should do everything possible to retain families with children in attractive neighborhoods; and, having read the letters which had been received both in support of and in opposition to the subject application, and having reviewed the number of names on the petitions which had been filed in support of the proposal, he felt that the application should be approved as submitted without change.

Vice-President Porter, speaking in defense of the staff and in support of honest differences of opinion, stated that she had driven through the Inner Sunset district with Mr. Steele at least four or five times; and she had found the matter of the proposed re-zoning to be extremely complicated. Under the circumstances, she felt that the staff had made an extremely comprehensive analysis of the situation and had brought forth a reasonable recommendation.

Commissioner Fleishhacker agreed that the matter was complicated; and, in order for both the members of the Commission and the residents of the community to digest the staff recommendation, he felt that it might be wise to take the matter under advisement. In addition, he felt that the Commission might wish to give further consideration to the possibility of initiating another application which would allow consideration of intermediate zoning categories.

Commissioner Gill [illegible] observed that the applicants had previously indicated that they were not interested in intermediate zoning categories.

Keith Williams, [illegible] for the Applicant, stated that the subject application had been filed during the first week of November when the Interim Zoning Controls were [illegible] in effect and that it was assumed that those controls would not apply to R-2 districts; as a result, [illegible] had been under considerable pressure to be very conservative in their requests. Members had [illegible] the possibility of intermediate zoning categories only recently, [illegible] and [illegible] felt that they could [illegible] no recommendations without [illegible] the matter before the full membership of their organization.

Vice-President [illegible], said [illegible] the [illegible] Interim Controls [illegible] in effect [illegible] had been constructed in the subject neighborhood under those controls, [illegible] the applicants, given those circumstances, would be satisfied with the [illegible] which had been made by the staff of the Department of City Planning. Mr. Williams replied that the staff recommendation [illegible] satisfied [illegible] and he felt that the best thing would be for the Commission to take the matter under advisement so that he could discuss the issue further with members of his organization.

Commissioner Ritchie stated that the things which he had heard during the course of the meeting had made him feel that [illegible]'s program was better thought out than the recommendations of the staff of the Department of City Planning and that it had taken into account the character and needs of the neighborhood. He believed that the Commission should do everything possible to retain families with children in attractive neighborhoods; and, having read the letters which had been received both in support of and in opposition to the subject application, and having reviewed the number of names on the petitions which had been filed in support of the program, he felt that the application should be approved as submitted without change.

Vice-President Porter, speaking in defense of the staff and its report [illegible] stated [illegible] the Inner Sunset district [illegible] at least four or five times and had found the matter of the proposed rezoning to be extremely complicated. Under the circumstances, she felt that the staff had made an extremely comprehensive analysis of the situation and had brought forth a reasonable recommendation.

Commissioner [illegible] agreed that the matter was complicated and, in order for both the members of the Commission and the residents of the community to digest the staff recommendation, he felt that it might be wise to take the matter under advisement. He would [illegible] that the Commission might wish to give further consideration to the possibility of initiating another application which would allow consideration of intermediate zoning categories.

Vice-President Porter observed that the neighborhood would still be in a position to file an application seeking intermediate zoning in those areas where Mr. Steele had indicated that an intermediate zone might be acceptable even if the Commission were to act on the applications at the present time in accordance with Mr. Steele's basic recommendation.

After further discussion among members of the Commission, it was moved by Commissioner Fleishhacker and seconded by Commissioner Mellon that the applications be approved in part and disapproved in part as recommended by Mr. Steele.

Commissioner Ritchie noted that he had already stated his position on the matter; and he indicated that he intended to vote against the motion.

When the question was called, the Commission voted 5-1 to adopt Resolution No. 7184, approving the subject applications in part and disapproving them in part as recommended by Mr. Steele. Commissioners Farrell, Fleishhacker, Mellon, Porter, and Rueda voted "Aye"; Commissioner Ritchie voted "No".

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary
and

Marie Zeller
Acting Secretary

#10
74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 30, 1974.

The City Planning Commission met pursuant to notice on Thursday, May 30, 1974, at 1:30 p.m. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); George A. Williams, Assistant Director - Plans and Programs; Selina Bendix, Environmental Review Officer; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Larry Liebert represented the San Francisco Chronicle.

1:30 p.m. Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:30 p.m. to take a field trip to properties scheduled for consideration during the Commission Meeting to be held on June 6, 1974.

2:30 p.m. 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the meetings of April 25, May 2 and 9, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that the Board of Supervisors, meeting on Tuesday, had unanimously approved the Pacific Heights and Turk-Rossi re-zoning proposals as recommended by the Commission. Action on the Nob Hill re-zoning was postponed for two weeks.

The Director reported that a law suit had been filed challenging the City's adoption of the Environmental Impact Report and granting of conditional use authorization for the expansion of St. Mary's Hospital.

The Director advised the Commission of action taken by the Board of Supervisors on the Department of City Planning's budget for the next fiscal year. After discussion, Commissioner Fleishhacker requested that an analysis be prepared of changes in the Department's budget and revenues during the past few years.

George A. Williams, Assistant Director - Plans and Programs, gave the following report:

"The Rehabilitation Assistance Program - whose acronym is RAP - has been a major element of our housing work program for over a year. As you know it has involved passage of State legislation, an amendment to the Charter, and after an extended drafting period, adoption of an ordinance.

"Since adoption of the ordinance the Department has been doing a series of things:

"We have been working with BBI, RE Department and others to develop the guidelines under which the program will operate. These guidelines specify the various procedures to be followed in planning public improvements, making loans, providing relocation assistance and so on. Those guidelines are close to being completed.

"We have been working with the City Attorney and the City's bond council in developing the resolution for issuance of the bonds. This resolution indicates how the bond funds are to be managed and how various elements of the program are to be financed. That resolution has now been adopted by the Board of Supervisors and a test suit will now be brought to obtain a court determination regarding the validity of the bond issue.

"We have also been working to get the two carryover areas from the old FACE program--the Inner Richmond and the Upper Ashbury--designated as RAP areas. The Board of Supervisors has recently designated the Inner Richmond and has before it a recommendation that Upper Ashbury be designated. There is some neighborhood opposition to the Upper Ashbury designation although it is our judgment that there is majority neighborhood support. The Board will act on the designation question next week.

"The next steps after designation of the areas will be the election of a CAC in each area with which we would work to develop a program of public improvements, such as street tree planting, burial of utilities, protected residential street treatments, etc.

"We have also been conducting, at the request of the Board, a study of the feasibility of carrying out a RAP program in Chinatown.

"We have had several meetings with some block clubs in Bernal Heights who are very desirous of having a program in the area south of Cortland Avenue and east of Holly Park.

"We have also had several other expressions of interest from other neighborhoods such as Bayview and Excelsior.

"If the Upper Ashbury is designated by the Board of Supervisors, it will be several years, at the current level of funding of inspection personnel, before the program could be extended into new areas. As you may recall, the Housing Strategy and Programs report which you adopted last February called for an expansion of the RAP program as a key element

in the effort to conserve and rehabilitate SF neighborhoods. The report called for a doubling of the size of the program over the next year and it is hoped that some of the community development block grant funds, if they become a reality, will be used for that purpose. We will be working to that end in the coming months."

The Director reminded the Commission of the Special Meeting scheduled next Wednesday afternoon at 5:00 pm when the Commission will sit jointly with the Police Commission for a public hearing on the Police Facilities Plan. The meeting will be held in Room 551 of the Hall of Justice.

Acting on the recommendation of the Director, the Commission approved the scheduling of a special meeting on Wednesday, July 10 at 3:00 pm for presentation of the proposed Community Safety Element of the Comprehensive Plan.

PRESENTATION OF REPORT ON DEPARTMENTAL FEE STRUCTURE

R. Spencer Steele, Assistant Director-Implementation (Zoning Asministrator), gave the following report:

"The following is in response to concern expressed by members of the Board of Supervisors and the City Planning Commission that the fees levied by the Department are below reasonable or required levels.

"There are two distinct types of fees levied by the Department of City Planning: filing fees and full reimbursement fees. The first type is established by the City Planning Code Sections 306.1(e), 1012(a) and (b), and must be collected prior to 'Accepting an application for filing.' Although these fees are not intended to defray the full costs of processing, which are considered general costs of government, they do help cover operational expenses. Furthermore, while it would not be appropriate to set fees which would deter citizens from filing reasonable requests, it would seem that filing fees should be periodically adjusted to reflect such things as inflation and the cost of living, and should be sufficiently high so as to discourage frivolous requests.

"In contrast, the second category of fees, provided for in the California Environmental Quality Act and established in Chapter 31 of the City's Administrative Code, are required for environmental reviews and are intended to defray the entire cost of processing those reviews.

"FILING FEES

At present, the following fees are charged by the Department:

Reclassifications.....	$50
Conditional Uses.....	$50
Setback Ordinances.....	$50

(Filing Fees, cont.)

Variances	$50
Variances, less than 10%	$25
Landmarks	$25
Historical District	$50

Inasmuch as these fees were set in 1960 (zoning) and 1967 (landmarks), it is not surprising that they represent only a small part of today's total processing cost. Therefore, it is recommemded that the fees for this filing of applications with the Department be increased as follows:

Reclassifications	$100
Conditional Uses	$100
Setback Ordinances	$100
Variances	$100
Variances, less than 10%	$50
Landmarks	$50
Historic Districts	$100

"ENVIRONMENTAL REVIEW FEES

At present, the following fees are levied by the Office of Environmental Review in accordance with the Administrative Code:

Environmental (Initial) Evaluation	$50
Environmental Impact Report	$150
Appeals to City Planning Commission on findings	$25

Excepting appeals, these fees are substantially below actual processing cost.

Environmental Evaluations:

The Department processes about 300 environmental evaluation cases per year, at an average cost per case of $81 for staff time, advertising and attributable overhead. It is recommended that the fee be raised from $50 to $85 to allow for salary increases already approved and other probable increases in cost.

Environmental Impact Reports:

The Department handles an average of 24 environmental impact reports per year, of which 5 are for public projects and 19 are for private.

"The public projects are quite variable in nature, and have required from 37 to 370 hours of staff time. Under the circumstances, it is clearly not possible to establish an equitable flat fee for public environmental impact reports. Therefore, it is recommended that an open-ended work order procedure be set up so that actual costs of staff time and overhead may be recovered. This would currently result in a charge of $12.36 per hour. We have attempted to determine the actual costs to the Department on the basis of the relative amounts of time spent on environmental impact report review by staff members at different levels plus appropriate overhead costs.

"It would be possible to maintain the flexibility required to cover actual costs overtime if the hourly charge were not placed in the Administrative Code. The City Attorney has suggested the possibility that the Code be amended to provide that the Planning Commission be delegated authority by the Board of Supervisors to determine this change. Once the Commission approved the formula for establishing the charge, we could then administratively adjust it as costs vary, without having to go to the Commission each time conditions change.

"While the private project environmental impact reports also vary in time requirements, they do not have the same range of variation as do public projects. There is no more than 10% variation in the cost per case for private projects, and therefore it is recommended that a new fee be established on an averaged flat rate basis. Present costs for private environmental impact reports average $263 per case. A fee of $275 would allow a small margin for probable increases in cost.

"In appeal cases, there is not sufficient experience to establish a fully responsive figure. It would appear that the fee now set is quite close to actual requirements and therefore no change is suggested at this time.

"It is recommended that the Administrative Code be amended to reflect the following fee schedule:

Initial Evaluation.....	$85
Private Environmental Impact Report.....	$275
Public Environmental Impact Report.....	Work Order
Appeal.....	$25

"It is recommended the Zoning Administrator be instructed to prepare appropriate legislation for amendment of the City Planning Code to reflect the changes in fees described above for zoning and landmarks matters and to set a date and time for the required public hearing before the Commission.

"Further, it is recommended that the Director be instructed to forward proposed legislation to change the fees of the Office of Environmental Review, after consultation with the City Attorney, for consideration by the Board of Supervisors as an amendment to Chapter 31 of the Administrative Code."

Commissioner Porter remarked that it seemed to her that neighborhood groups which appeal a negative declaration issued by the staff of the Department of City Planning and succeed in obtaining a requirement for an Environmental Impact Report should be required to pay the fees for the report instead of the developer. Mr. Steele replied that such an approach is not possible under California law.

Commissioner Porter then suggested that it might be wise to raise the fee for an appeal of a negative declaration to $50.00.

Commissioner Ritchie felt that the fee for an initial environmental evaluation should be $100 rather than $85, that the fee for a private environmental impact report should be $300 rather than $275, and that the fee for appeals should be $50 rather than $25.

Commissioner Fleishhacker observed that even the fee structure which had been recommended by Mr. Steele would have the effect of penalizing people with lesser financial means; and, as a case in point, he noted that all projects which would not be categorically exempt would be subject to an $85 initial evaluation fee.

The Director stated that he could appreciate the point which was being made by Commissioner Ritchie; however, he felt that the lower fee schedule which had been proposed by Mr. Steele would have the psychological effect of encouraging the staff of the Department of City Planning to be more efficient and to do their work within that cost structure.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker and carried 5-1 that the Zoning Administrator be instructed to prepare appropriate legislation for amendment of the City Planning Code to reflect the proposed changes in fees for zoning and landmarks matters and to set a date and time for a public hearing on those matters. The Commission also instructed the Director to forward proposed legislation to the Board of Supervisors which would change the fees of the Office of Environmental Review. Commissioners Farrell, Fleishhacker, Mellon, Newman and Ritchie voted "Aye." Commissioner Porter voted "No."

PRESENTATION OF REVISED LISTING OF CATEGORICAL EXEMPTIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Selina Bendix, Environmental Review Officer, summarized a memo which she had prepared to explain changes being proposed in the local categorical exemptions in order to bring the local ordinance into conformity with revised State guidelines. The memo is available in the files of the Department of City Planning.

After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the Director be instructed to set a date for a public hearing on this matter.

The meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Wednesday, June 5, 1974.

The City Planning Commission met pursuant to notice on Wednesday, June 5, 1974, at 5:00 p.m. in Room 551 at the Hall of Justice.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Thomas J. Mellon, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker and John Ritchie, members of the City Planning Commission.

Dr. Washington E. Garner, President, and Marvin E. Cardoza, member of the Police Commission, were also present.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; Lucian Blazej, City Planning Coordinator; and Lynn E. Pio, Secretary.

PUBLIC HEARING ON THE POLICE FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN -- A PROPOSAL FOR CITIZEN REVIEW.

Dr. Garner made the following introductory remarks:

"I would like to welcome you all to the Police Commission chambers, and in particular, I would like to extend my welcome to Mr. Newman, President of the Planning Commission, and the other Planning Commission members who will be meeting with us in joint session to hear public testimony on the Police Facilities Plan. I look forward to hearing what the community has to say.

"In light of the fact that the Planning Commission will eventually take official action on this plan, while the Police Commission may only adopt the plan as its policy, I would like to relinquish chairmanship of this joint meeting of our two commissions to Mr. Newman, and it is with pleasure that I do so."

President Newman then made the following remarks:

"On behalf of the Planning Commission, I would like to thank both President Garner and Commissioner Cardoza for sharing this meeting with us and I welcome those who have come to participate in these hearings.

"This joint commission meeting is the first hearing on the 'Police Facilities Plan' which was presented at a joint meeting of our two Commissions six weeks ago on April 25th. The purpose of this meeting is to hear public comment or testimony on the draft plan. Chief Scott, Captain Sully and Police Department staff, together with Planning Department staff are also here to listen to public testimony so that valid concerns expressed can be incorporated into the final plan recommendations. If time permits, questions will be answered at the end of the meeting. In fairness to those who wish to speak, however, we will postpone discussion until that time.

"If you wish to speak, please fill out a card and submit it to the staff members who are circulating in the audience, or to the Secretary of the Commission.

"Before beginning the hearing, Mr. Jacobs, the Director of the City Planning Department, has some comments."

The Director read the following prepared statement:

"As Mr. Newman mentioned, on April 25th the Department of City Planning presented the draft, 'Police Facilities Plan,' to both the Police and City Planning Commissions. The purpose of this plan, consistent with the Planning Department's Charter responsibilities, is to develop a plan and long-range improvement program for police facilities. The Police Department's Bureau of Planning and Research collaborated with us in developing this plan.

"The scope of this plan is limited to police facilities, since public facilities, their location, distribution, use and design are the primary concern of the Department of City Planning. Police operations and services planning were <u>not</u> within the scope of this study since this is <u>not</u> a Charter responsibility of the Department of City Planning. However, in order to be responsive to possible changes in police operations and services, one basic objective of the facilities plan was to maintain flexibility so that future police service and operations changes can be accommodated. I feel the draft plan is responsive in this regard and a valid document that can serve as a guide for facility improvement as service changes are made.

"As has been stressed, the 'Police Facilities Plan' under discussion today is a proposal for citizen review, which means that both the objectives, policies, criteria and program section will be revised on the basis of comments received from individuals and community groups. After the plan has been revised, the objectives, policies and criteria section will be proposed for adoption by the City Planning Commission, and the program section will be

presented for Commission endorsement. The Police Commission may adopt the revised plan and program as its police for police facilities.

"I would now like to discuss the details of the citizen review process and dissemination of plan recommendations. Since the initial public presentation of the plan on April 25th, over twenty additional presentations were made throughout the community with total attendance in excess of 600 citizens. In addition, over 500 police officers have been given summary briefings on the plan content. These presentations were in response to our initial mailing of over 300 copies of the plan to our listing of community groups. At that time, we indicated that staff would be pleased to present the plan at neighborhood meetings. An additional 200 copies of the plan were distributed at community meetings so that committees could be formed to study and comment on the plan. Over 200 copies have been distributed to police officers, principally at district stations. The remaining copies of our initial run of 1,000 have been distributed to individuals, our City libaries, and the media who have given coverage to the plan.

"At today's hearing, members of the staff will be taking notes on all the testimony offered. Following the final hearing, we will evaluate the comments and suggestions received. The Planning Department will prepare a summary paper of these comments, indicate staff response to them,
and recommend revisions to the plan where appropriate. This paper will form the basis for the revisions to the Plan. The revised version of the 'Police Facilities Plan' will be presented to the Police and Planning Commissions this summer for adoption at that time.

"I would like to point out again that it is the objectives and policies section, the section printed on blue paper in the report, that will be revised and presented to the Planning Commission for adoption. I therefore urge you to pay particular attention to this section and to address your comments to its contents and the alternative plans and maps which will form the Police Facilities Section of the community facilities element of the Master Plan.

"We recognize that we are dealing with a sensitive and complex community issue. The temptation to stray from the issue before us will often arise and I therefore again stress that this plan deals with the objectives, policies, and criteria for the location, use, and design of police facilities within the physical and social setting of San Francisco and comments should focus on this area of concern.

"As Mr. Newman indicated, if time permits, staff will be prepared to respond to issues and comments raised in the testimony. In the interest of time and fairness to those who wish to testify, we will do this at the end of the meeting when everyone has had a chance to speak.

"At this time, I would like to turn the meeting back to Mr. Newman who will call on those who wish to speak."

John Macauley, Executive Secretary of Save Our Neighborhoods, stated that his organization had originally been formed to protest the closing of Park and Potrero Stations; and, after a successful fight to keep those stations, the organization had been deactivated. However, with the publication of the draft of the Police Facilities Element of the Master Plan, the group was reactivated. He remarked that the report contained no comments whatsoever on reorganization of the Police Deparrment; and he believed that police community relations should have been given first priority. He then read a statement which had been distributed by his organization, as follows:

"Save Our Neighborhoods ("SON"), the city-wide coalition who successfully brought about the reopening of Park and Potrero Police Stations, has been reactivated because of a new danger to police protection for citizens and comprehensive police community relations.

"A 'Police Facilities' Plan, drawn up without neighborhood input, jointly by the San Francisco Planning Department and the Police Administration, calls for the immediate closing of two police stations - Northern and Ingleside - and threatens the eventual existence of all neighborhood police stations.

"Further, this ill advised and expensive 'Plan', which apparently began to evolve immediately after 114,000 San Franciscans voted in a Charter Amendment calling for nine neighborhood police stations in nine police districts, indulges totally in upside down priorities. It calls for buildings of brick and mortar of different kinds while it does not address itself to any of the following:

"... the lack of implementation of Police Reorganization voted by the people three years ago.

"... the escalation of murders, burglaries, robberies, kidnappings, rapes and other felony crimes in the street.

"... the widening communications gap between people and police without which the former cannot function effectively and the latter cannot receive either effective protection or police justice.

"We call on the Police Administration and the San Francisco Planning Department to totally scrap this ill advised Plan and to begin a grassroots program with the neighborhoods of San Francisco to build a humane and effective Police Department regarded with respect and cooperated with by a free and involved citizenry."

Helen Ericson, representing the Fillmore Merchants Association, stated that her neighborhood would be at a loss if neighborhood policemen were to be taken away.

Sandy Spitzer, representing the Marina Merchants Association, felt that the Department of City Planning had produced an excellent report; however, until such time as things become more constant, she believed that Northern Station should remain open.

Henrietta Abrams, founder of Save Our Neighborhoods, stated that the members of her organization did not wish to lose any district police stations, especially the Park Station.

George Duesdiecker, representing Save Lake Merced, stated that he was basically pleased with the draft report insofar as it took the position that the police pistol range at Lake Merced should not be expanded and that that facility should eventually be phased out; however, he felt that the plan should be more explicit along those lines. He also suggested that the report should include a definitive statement to the effect that no open space land will be used for police facilities in the future. While he realized that other plans which have been published by the Department of City Planning had addressed themselves to the preservation of existing open space, he believed that it would be a good idea to include such a statement in the police facilities plan, also.

Raymond Tinkerman, a member of the Northern Station Police Community Relation's Committee and a representative of the Marina Merchants Association, stated that people in his neighborhood want to keep Northern Station open.

Louise Bertola, 2293 Third Street, stated that people in her neighborhood had fought to keep Potrero Station open; and, in view of the fact that the people had voted to reopen the station, she did not understand why the Department of City Planning had published a plan which seemed to call for removal of the station. While she was in favor of removing the police facilities from Lake Merced, she believed that all 9 district stations should remain open. She agreed with the staff that some of the stations are not situated in the right place and that they should be relocated; however, she emphasized that the number of district stations should not be reduced.

Gerald E. Parmenter, Vice-President of the Home Owners Tax Control Association, stated that the members of his organization were 100% against closing any district police stations. He remarked that a move is being made

all over the country to federalize police departments; and he felt that heading in such a direction would be most inappropriate given present circumstances. If the city had accepted Federal money for the Police Facilities Study, the city will soon find out that it is in a position of having to take orders from the Federal Government. He stated that the Federal Government is already in debt; and the citizens of the country are being forced to pay taxes to cover that debt. He suggested that the Police Facilities Plan should be tabled for two years because of the things which are presently going on in the country; and, at the end of that time, he felt that the Commissioners would not want to make the changes recommended in the report.

Howard C. Thompson, a member of the Northern Station Police Community Relations Committee, read the following letter which he had previously sent to the staff of the Department of City Planning:

"Having conducted a meeting of Northern District Police Community Relations, with 44 in attendance, including merchants (Fillmore, Page-Laguna, Marina, Pacific Heights and Hayes Valley groups), tenants, residents and property owners, representing approximately 70,000 people within this area, it was unanimously approved that the Northern District Station, under Plan 8 or 9 of Police Facilities Program is maintained until such time as a new Northern District Station, centrally located in this area, can be built -- boundaries to remain the same.

"This conclusion was arrived at by the fact that:

"(1) We are in an extremely high crime area.
(2) Density of population (15,000 plus sq. miles) approximately twice the density of any other city.
(3) The police would lose contact with the people, as we are quite aware of the fact that good police community relations are essential to a good, smooth running district.

"The group felt Police Facilities Study (1 thru 7) would make the area too large for personal contact and mutual trust between Police and Community.

"We would like to thank Lt. Frank Jordan and Mr. Lucien Blazej for the clear and concise program they set up, which required very little cross questioning. We feel the cost, as against safety factor, is of little concern at this time, as Northern is one of the highest density population in the nation.

"In closing, we have excellent rapport with Northern District Station, as Capt. Flynn and Sgt. Damas are two dedicated police officers."

A. R. Roderick, a member of the Taraval District Police Community Relations Committee, stated that the members of his committee had requested that at least one evening meeting be held on the Police Facilities Plan; and he noted that evening hearings had been scheduled as other elements of the Master Plan were being considered. He stated that the members of his committee regarded the draft report as the third attempt to convince the people of San Francisco that district stations should be reduced in number and perhaps consolidated into a single facility; and they felt that what the city really needs is more district stations, perhaps utilizing the "store front" approach. In that regard, he noted that the staff's report contained a map which divided the city into 14 basic geographic districts. A few of the other members of his committee felt that the draft report was aimed more at what people can do for the Police Department than at what the Police Department can do for the people. The report also seemed to be "plant-oriented" rather than "product-oriented". Finally, the members of his committee were of the opinion that people in San Francisco may well be willing to purchase and pay for more police facilities. In conclusion, and by way personal comment, Mr. Roderick stated that the negative comments which he had made on behalf of his committee were not intended to express a dislike for other aspects of the plan. He believed that the plan was basically a good one and that it constituted a necessary step forward. However, the approach taken by the staff of the Department of City Planning seemed to stress efficiency; and he felt that effectiveness should be considered, also. He remarked that it is possible to have one without the other.

Julius Zamacona, a member of the Excelsior - Outer Mission Police Community Relations Committee, remarked that crime has increased in all districts in the city; and he believed that all 9 of the existing district stations should be retained. When Southeast station and Park station were closed, there were supposedto be 150 more policemen on the streets; but their presence had not been evident to him.

Reverend Lyle Grosjean remarked that the staff report contained a multiplicity of plans from which the public was being asked to choose; but the report did not contain the data needed for the choice. He emphasized that the voters had adopted a proposition calling for reorganization of the Police Department. Since that study had not yet been undertaken, and since it is still not known how the Police Department will be organized, it seemed to him that the staff's plan for housing the Police Department was premature. He remarked that the staff report seemed to lean very heavily towards a 7 district station concept; and he noted that a statement contained on page 20 of the report read as follows: "...There is no apparent benefit to abandoning district stations and adopting the area precinct or the centralized concept if the number of stations is 7." He believed that the desire of the people of San Francisco is for more rather than less district stations; and he was confident that a direct vote would show that to be the case. He stated that residents of the Haight Ashbury district resent it when certain parts of the police force come into their neighborhood; and they feel that Park Station is symbolic of the neighborhood's right to police itself.

While the report which had been prepared by the staff of the Department of City Planning provided a lot of information, it did not give the "whole picture"; and he felt that the plan for reorganization of the Police Department should have been prepared first.

Gilbert Brigham read the following statement which had been prepared by Assemblyman Willie L. Brown, Jr.

"I have reviewed the 'Police Facilities' report prepared by City Planning and the Police Department and welcome this opportunity to comment on it.

"Let me say at the outset that I shared the opinions of thousands of San Franciscans who have rejected previous proposals to close police stations in our city. The basis for my opinion was my strong conviction that our citizens will be better served if the police are closer to the communities. This goal cannot be accomplished by any plans which have centralization as a key feature.

"When I examined this proposal, however, I was astonished by the number of questions it raised. For example, why wasn't New York listed in the chart of the largest cities? Why was San Francisco compared to the largest cities instead of to cities of similar population or size? Why were San Diego, San Antonio, Indianapolis and and Memphis excluded from this comparison since they have larger populations than both New Orleans and St. Louis which were included? Why were not actual census figures used instead of estimated populations? This questionable method of statistic gathering and presentation can only lead me to conclude that conscious efforts were made to dupe the public into believing there is some justification for closures.

"I must also comment on another area which generates a considerable amount of skepticism. This has to do with the projected employment of female officers on our police force.

"I was amazed to read that there is some expectation for 400 female officers in the San Francisco Police Department and that because of this expectation 'extensive renovations of facilities' would be required. I find it very difficult to believe that this projection can ever be realized. When one considers the fact that only 11 women were reported as being members of the SFPD last year and that no U.S. city has reached the 400 figure, it is unlikely that San Francisco will lead the way.

"In addition thereto, the SFPD has taken measures to ensure that few females will ever be hired. They have promoted a minimum height requirement which exceeds that of the average female. They are also contemplating a physical agility exam with such rigid strength tests, that most males cannot even pass it.

"In summary, I have found no compelling facts in the 'Police Facilities' report which would reverse my opposition to station closures. I have, on the other hand, found it to be very convincing evidence that constant vigilance must be maintained in order that the expressed wishes of San Franciscans are not circumvented. My only recommendation, therefore, is that our Police Department seriously consider using neighborhood facilities similar to the practice in Indianapolis."

Helen Malasig, 143 DeMontfort Avenue, felt that the stations which have already been built should continue to be used. She stated that she was opposed to further research on Police Community Relations; and she believed that the Chief of Police should be elected so that the people could be sure that they would be satisfied.

Charles Wambeke, representing the Naples-Vienna Street Block Club, stated that most of the members of his organization like the representation they are getting from Ingleside station and would not want to have the station closed. In any case, he believed that policemen should be out on their beats and that they should become familiar with people in the neighborhoods in which they are working.

Charles A. Thielen, representing the Fishermen's Wharf Merchants Association, stated that the members of his organization were pleased that the staff report had not recommended any change in the status of Central Station; however, they felt that any plan which would reduce the total number of district stations in the city would ultimately affect them; and, therefore, they would oppose such a plan. He remarked that the Fisherman's Wharf area has also had the benefit of protection from the Harbor Patrol which is operated by the Port Commission; however, in view of the fact that that operation is being phased out, he felt that any change in police services should result in the opening of another district station in their area rather than in the reduction of the total number of district stations.

Kamini K. Gupta, representing the Marina Merchants Association and the Marina Lions Club, stated that people in his neighborhood had urged the reactivation of the North-end station. They felt that there should be more direct police surveillance of their neighborhood; and Northern Station is located too far awau to fulfill that function. Additional security is particularly needed on weekends. In conlusion, he stated that there ought to be more police facilities in the northern part of the city so that police cars can avoid the barriers of hills and heavy traffic.

Jack Tufts, representing the Industrialists Association of San Francisco, stated that he had participated in the founding of 'Save Our Neighborhoods' two years ago in an effort to keep two districts stations open. He stated that he had no desire to run the Police Department; however, the people want protection and they still have not obtained it. If more policemen are placed

on beats, and if circumstances change significantly, he felt that people would probably have no objection to closing of some of the district stations; however, he believed that all existing district stations should remain open for the time being.

Eugene K. Mayo, a member of the Mission Police Community Relations Committee, felt that a great deal had been achieved through Police Community Relations work.

Lloyd Dostetter stated that his girlfriend wonders why she has not been arrested for jay-walking.

Allan B. Jacobs, Director of Planning, stated that the Police Facilities Study had been financed locally with funds being provided by the Police Department and the Department of City Planning; and he indicated that no Federal funds at all had been used for the study. The study itself had been started initially about four years ago prior to the time that the citizens had voted for the reopening of Southeast and Park Stations. He then read the following statement:

> "I would like to clarify the plan's position regarding district stations, since there has been considerable confusion on this issue. The plan calls for retention of district stations for San Francisco. Concerning the number of district stations, the plan points out that a relationship and possible trade-off exists between the number of district stations and the number of police officers available for street patrol work since resources required for building and the administrative staffing of stations could be shifted to improve patrol services to the community, if the number of station buildings is reduced.
>
> "Based on operations, service loads, and the City's urban character, <u>seven</u> district stations properly located would be sufficient to meet patrol force requirements. However, this should be weighed against community desires and willingness to pay for the construction and staffing of district stations. The difference in cost between nine or seven stations is $1,200,000 or equivalent to the salaries and fringe benefits of 20 police officers. The existing level of service would not be effected, but rather improved. The plan states, and I quote, 'New stations should be designed and located to accommodate a possible shift to a seven-district station plan. However, until there is community support for such a move, the present number of district stations--<u>nine</u>--should be retained.'
>
> "The program section reflects the foregoing policy by providing for a possible nine, eight, or seven-station plan. In order to implement an eight or seven-station plan, the phasing

out of Northern and Ingleside Stations is suggested, however, and I stress this point, only with community support. Community concerns are safeguarded by the recent Charter amendment that requires Board of Supervisors' approval of any action affecting district stations, including the opening, closing, consolidation or relocation of district stations. This plan serves only as a policy guide-the Board of Supervisors are the ones who set policy in the name of the people of San Francisco."

Concluding his comments, the Director conceded that it might seem logical that a plan for reorganization of the Police Department should have been available before the Police Facilities Study was undertaken. However, physical facilities tend to last a long time; and he believed that one could expect that police operations might change 3 or 4 times during the life of a building.

Commissioner Cardoza informed the audience that a plan for reorganization of the Police Department will be undertaken when the project is budgeted.

Lieutenant Jordan of the Police Department informed the Commissioners that representatives of the Cayuga Block Club had planned to attend the hearing but that they would not be present until 7:00.

Commissioner Porter suggested that the Commissioners might wish to schedule an evening meeting to receive comments on the Police Facilities report if it appears that there are a substantial number of people who are not able to get to afternoon meetings.

President Newman announced that the public hearing on this matter would be continued until June 13, 1974, at 4:00 p.m. in Room 282, City Hall.

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 6, 1974.

The City Planning Commission met pursuant to notice on Thursday, June 6, 1974, in Room 282, City Hall, at 2:45 p.m.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas G. Miller, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning, Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Daniel Sullivan, Planner IV (Zoning); Alan Billingsley, Planner II; Russell Watson, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Larry Liebert represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Allan. B. Jacobs, Director of Planning, reminded the City-Wide Comprehensive Plans Committee (Commissioners Newman, Mellon, Ritchie) of a meeting scheduled next Thursday afternoon at 2:30 p.m.

The Director reported that members of the staff had toured the Eastshore Park industrial area with Commissioner Ritchie and had benefited from his knowledge of that area.

The Director asked the Commission if it wished to schedule an evening hearing on the Police Facilities Element on the Comprehensive Plan. President Newman suggested that the decision should be deferred until the conclusion of the next scheduled hearing on this matter on June 13.

The Director reported that Proposition C, which would have established an open space acquisition fund, had lost by approximately 4000 votes in Tuesday's election; and he remarked that the Commission might wish to encourage the placement of a similar proposition on the ballot in the near future. President Newman requested that the Commission be provided with an analysis of the vote by Proposition C by district.

Commissioner Fleishhacker remarked that a recent edition of Cry California contained an article which suggested some changes which should be made in Environmental Review procedures; and he felt that it might be wise for the Commission to seek amendment of the State

law to effect some of those changes. The Director indicated that he would review the article.

3:00 p.m. - Zoning Hearing

ZM74.1 2045 LAWTON STREET, SOUTHEAST CORNER OF 27th AVENUE. R-3 TO A C-2 DISTRICT. (UNDER ADVISEMENT FROM MEETING OF FEBRUARY 7, 1974)

Robert Passmore, Planner V (Zoning), noted that this case had been heard by the Commission on February 7, 1974. At that time, the Director of Planning had recommended that the application be disapproved on the basis that the proposed re-zoning would result in a "spot zone" of doubtful legality. The Commission had requested the staff to seek the advice of the City Attorney on this matter. The staff had subsequently written the City Attorney for his advice; and the opinion which had been received in response had concluded as follows:

> "I do not feel that I can add further general legal considerations to those stated in your letter and I believe you have correctly outlined the basic legal considerations which should guide the deliberations of the Planning Commission in its determination of zoning questions involving particular parcels of property."

During the course of Mr. Passmore's presentation, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

Allan. B. Jacobs, Director of Planning, repeated his recommendation for disapproval of the application. He noted, however, that the legally existing non-conforming use could continue on the ground floor of the property until April 27, 1981.

Alejandro A. Esclamado, the applicant, expressed his appreciation to the Commission for taking the matter under advisement from its meeting of February 7; and he indicated that he believed that the members of the Commission had done the best that they could to satisfy conflicting interests. During the interim, he had decided that his request, which would require action on the boundaries of legality, would be too much to ask of the Commission; and he was prepared to move his business to another location. Under the circumstances, he wished to withdraw his application without prejudice.

The Director stated that he would be willing to withdraw his previous recommendation and to recommend instead that the Commission accept the withdrawal of the application without prejudice.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 7185 be adopted and that the applicant's request to withdraw the application without prejudice be approved.

President Newman expressed the appreciation of the Commission to Mr. Escalamado for his understanding.

CU74.29 - NORTHEAST CORNER OF CALIFORNIA AND SPRUCE STREETS. REQUEST FOR AUTHORIZATION FOR A PARKING LOT FOR APPROXIMATELY 20 AUTOMOBILES; I IN AN R-4 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is a rectangular corner lot with a frontage of 70 feet on California Street and a frontage of 92.5 feet on Spruce Street for a total area of 6,482 square feet. He stated that the applicant intended to use the subject property as a landscaped parking lot in conjuction with adjacent existing parking facilities and a medical office building. The existing parking facilities have 30 spaces and the proposed lot would add approximately 20 spaces for a total of 50 spaces.

Joseph Anton, representing the applicant, stated that he had nothing to add to the comments which had been made by Mr. Passmore.

No one was present to speak in opposition to the application.

Commissioner Fleishhacker inquired about the layout of the proposed parking lot. Mr. Passmore replied that the Spruce Street entrance to the subject lot would be closed and that automobiles would both enter and exit from the site on California Street. After Commissioner Fleishhacker had questioned whether it might be better to have the entrance on one street and the exit on another street, Mr. Passmore indicated that the staff had felt that the combined entrance and exit on California Street would not cause any traffic problems; however, if problems should develop, the situation should be changed.

Allan. B. Jacobs, Director of Planning, emphasized that the staff does try to keep traffic off residential streets.

Commissioner Porter wondered if the combined entrance and exit on California Street would interfere with transit traffic. The Director replied that the Transportation Section of the Department of City Planning had reviewed the plans and did not feel that the project would have a detrimental effect on transit. However, if that assumption should prove erroneous, it would not be difficult to change the driveway. He recommended that the application be approved subject to 8 specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended adoption of the draft resolution.

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant. Mr. Anton replied in the affirmative.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7186 and that the resolution be approved subject to the conditions which had been recommended by the Director.

At 3:20 p.m. President Newman announced a 10 minute recess. The Commission reconvened at 3:30 p.m. and proceeded with the hearing of the remainder of the agenda. Commissioner Ritchie was temporarily absent from the meeting room.

LM74.5 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE GOODMAN BUILDING, 1117 GEARY STREET, AS A LANDMARK.

President Newman stated that he had received a letter from the Goodman Group requesting that hearing of this matter be postponed. The letter had stated that additional time would be needed to prepare statements on the progress of funding efforts for the rehabilitation of the building as well as an accurate presentation of the buildings social and cultural importance to the city as artist's housing and a community cultural center.

Allan B. Jacobs, Director of Planning, stated that the Redevelopment Agency had been advised of the request for postponement and had raised no objection. He recommended that the hearing be postponed until the Commission's meeting on July 11.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that hearing of this matter be postponed until the Commission's meeting on July 11, 1974.

DISCRETIONARY REVIEW OF A PROPOSAL TO CONSTRUCT 22 DWELLING UNITS IN 4 BUILDINGS AT 120 CORWIN STREET.

Robert Passmore, Planner V (Zoning), reviewed the plans for the proposed project which had been described in detail on May, 1974, when the Commission was consdering an appeal of the staff's negative declaration for the proposed project. During the interim, the architect for the applicant had submitted shadow drawings which were posted on the wall of the meeting room. In addition, the architect had made two modifications in the plans. When the plans had originally been submitted, they called for 5-foot side yards on the north and south sides of the property, leaving the width of Acme Alley at 10 feet. In the revised plans, the building had been shifted northward and narrowed 4 feet in width to permit construction of a 16-foot wide driveway, including Acme Alley, and an adjacent 5-foot sidewalk and a 3-foot planting strip. In addition,

the rear balconies of the building had been modified somewhat so that they would more closely match the building scale proposed on the front of the building. He stated that the model which was on display in the meeting room did not show how the garage would be screened; but the plans indicated that a fluctuating board fence would be constructed as a screening device.

During the course of Mr. Passmore's presentation, Commissioner Ritchie returned to the meeting room and reassumed his seat at the Commission table.

President Newman asked if he were correct in understanding that the proposed project conformed in all respects with the City Planning Code. Mr. Passmore replied in the affirmative, but observed that the Commission had been requested to exercise its discretionary authority over the plans.

Commissioner Porter stated that she would like an explanation of the shadow studies which had been done by the applicant's architect.

Harold Major, architect for the developer, stated that a written report had been placed before each of the members of the Commission. He then proceeded to explain the charts which were posted on the wall of the meeting room. In conclusion, he summarized the results of the sun angle study, as follows:

"1. Of all the buildings with adjacent property lines and across Acme Alley, this project is the only building that does not cast a shadow on the mini-park on every day of the year. Every other adjacent building does cast a shadow on the mini-park during some time of the day.

"2. The project does not cast a shadow on the mini-park before 11 AM (12 noon - daylight time).

"3. The project does not cast a shadow on the mini-park during the summer vacation when the park has its greatest use.

"4. On many days of the year, an existing building, adjacent to the mini-park, casts a shadow over the mini-park along with the project shadow. On several days of the year, existing buildings up the hill on Grandview Ave. and Grandview Terrace cast shadows on the mini-park along with and sometimes over the project shadow."

Bert Schwarzschild, representing the Eureka Valley Promotion Association, summarized a written submission which read as follows:

"My name is Bert Schwarzschild. I am the coordinator of this presentation for the Eureka Valley Promotion Association. I reside at 363 Douglass Street, just downhill from the apartment complex.

"We do appreciate the opportunity to be heard at this discretionary review hearing.

"Other neighborhood representatives will testify briefly about the major adverse effects which we expect this massive apartment project to have on the Seward Street Minipark and on Corwin and adjacent streets.

"We would also like to show later a short film produced by a neighborhood filmmaker. It will graphically detail why the residents of Corwin, and of its only vehicular outlet, upper Douglass Street, are terribly concerned about further construction on Corwin Street, and why this neighborhood twice previously appeared before this Commission to plead for a downzoning on Corwin Street from R-3 to R-2 - unsuccessfully, I might add.

"We believe our neighborhood's livability is further threatened by this development. We are convinced that any further construction on Corwin Street will create parking, traffic, fire hazard, and pedestrian safety problem out of proportion to the taxes which the city ostensibly gains. Most of us believe that Corwin Street can not take <u>any</u> further construction. This dead-end, hillside street with only one vehicular outlet onto a narrow one-lane wide, two-way street (upper Douglass), can not support any more cars, nor risk any increased fire or safety hazard, or any casulaties.

"What is involved here is not just another park, <u>not</u> just another neighborhood. What is involved here is the first and only public park in San Francisco, conceived, designed, and maintained by neighbors young and old, and a neighborhood that has learned to work together for the livability and neighborhood amenities which are rightfully theirs.

"Many residents are here to try to make you aware of their apprehensions and their experiences, through their testimony, or by their silent presence.

"This city has the finest Urban Design Plan in the nation, thanks to your deep involvement in developing the plan, and by your unanimous vote in approving it, an event which I was proud to witness. Many of this Plan's principles, and policies are directly relevant to the impact that this apartment project would have on the park, the street, the neighborhood, and the city. I would like to refer you now to some of the more important and relevant portions which suggest that this development would violate the principles of the Urban Design Plan. I ask you also to review other relevant excerptsfrom the plan which I will omit from reading, and which are included in the binder which we will submit to you in a minute.

"Here are some of these most relevant principles from the Urban Design Plan:

"CITIZEN PARTICIPATION" - Page 5

"If a plan is to be useful and its impact significant, it must be responsive to citizen concern. Therefore, one of the foremost efforts in the Urban Design Study was to determine what the people of the City identify as the relevant issues.....The desirability of growth itself has been threatened as density and bigness are seen as losing bargains that will strain not only the city's image but also its transit, streets, open space, public services, and other facilities beyond their reasonable capacity.(This project is a strain on the park, on Corwin St. and on one-lane Douglass!)

"A FRAMEWORK FOR THE ISSUES" - Page 10

"Issues raised in various ways in the Study differ in viewpoints and in emphasis, but taken together they show a considerable agreement upon basic human needs and upon what it is that makes San Francisco a great city, and a good place to live.

"Four general categories of issues may be defined, as follows" (I am only quoting the 2 pertinent ones)

'3. MAJOR NEW DEVELOPMENT. Intrusion of new development, which trhough its visual dominance, height, or excessive size, weakens or destroys important city or neighborhood qualities.

'4. NEIGHBORHOOD ENVIRONMENT. Erosion of the immediate environment that closely affects the daily lives of residents, through dangers to health and safety, deterioration of streets and properties, and lack of comfort or fulfilling experiences.'

"EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION" - Pages 21-31

'Clearly visible open spaces act as orientation points, and convey information about the presence of recreation space// (If this project were built, Seward Street Park would not even be visible from Corwin Street, one of its main approaches -BS) //' ...to motorists and pedestrians.'

'Highly visible open space presents a refreshing contrast to extensive urban development.' (Same thing applies as above)

"POLICIES FOR CITY PATTERNS" - Page 36

'Overlooks and other viewpoints for appreciation of the city and its environs should be protected and supplemented by limitation of buildings and other obstructions where necessary and by establishment of new viewpoints at key locations.'

'Visibility of open spaces especially those on hilltops should be maintained and improved, in order to enhance the overall form of the city, contribute to the distinctiveness of districts and permit easy identification of recreational resources. The landscaping at such locations also provide a pleasant focus for views along streets.'

'(If only builders would be inspired by these policies and incorporate spaces for street viewing, instead of building walls between the people and their city. Since many of them don't, the planning Commission should implement these policies.)'

"FUNDAMENTAL PRINCIPLES FOR CONSERVATION" - Page 54

'16. Views from streets can provide a means for orientation and help the observer to perceive the city and its districts more clearly.'

'Blocking, constricting or other impairment of pleasing street views of Bay or Ocean, distant hills or other parts of the city can destroy an important characteristic of the unique setting and quality of the city.'

(These priniciples plead for implementation)

"POLICIES FOR CONSERVATION" - Page 67

'Policy 4.....Promote building forms that will respect and improve the integrity of open spaces and other public areas.....Buildings to the south, east and west of parks and plazas should be limited in height or effectively oriented so as not to prevent the penetration of sunlight to such parks and plazas.'

(Could any statement be more applicable to our situation than this?)

"FUNDAMENTAL PRINCIPLES FOR MAJOR NEW DEVELOPMENT - Pages 88-120

'(15) Plazas or parks located in the shadows cast by large buildings are unpleasant for the user.' (Yes, this one is even more applicable, its 'right on')

'(26) Private lands that are landscaped or developed as open space contribute to the visual and recreational resources of the city' (Jonathan Manor Inc. PLEASE LISTEN TO THIS ONE!)

"POLICIES FOR NEIGHBORHOOD ENVIRONMENT" - Page 124

'Policy 1. Protect residential areas from noise, pollution and physical danger of excessive traffic.'

(This describes the Corwin/upper Douglass traffic bottleneck and congestion to the letter. It is your planning function to say 'No'! to construction which will further violate this policy)

'The presentation binder which I would now like to distribute to you , documents what the city's Urban Design Plan has to say about such an apartment development.

'Our neighborhood is depending on you, our public representatives, to implement the principles and policies of the Urban Design Plan, in making your

decision. This is definitely an issue where the public need and interest of many residents should take precedence the profit motivation of a builder."

During the course of his presentation, Mr. Schwarzschild was asked by Commissioner Fleishhacker if the people whom he represented were opposed to any construction whatsoever on the subject property. Mr. Schwarzschild replied that they were terribly concerned about any further construction on Corwin Street although they were fully aware that the role of developers is to develop properties. However, if he were a member of the City Planning Commission, he would act in accordance with the policies contained in the Urban Design Plan.

Commissioner Ritchie asked Mr. Schwarzschild what he would do if he were the owner of the subject property and were paying taxes on it. Mr. Schwarzschild replied that he would never get into the development business. However, if he did, he would be very conscious about over-loading a building site. He remarked that . builders take a responsibility and a risk when they build in an area where services are already overburdened. He stated that a new 10-unit building had been constructed across the street from the subject site; and he informed the Commission that the owners of that building supported the protest of the subject building permit application.

Commissioner Ritchie asked if Mr. Schwarschild had objected to the 10-unit building when it was proposed. Mr. Schwarzschild repliedin the negative but indicated that he felt that he should have in retrospect.

Commissioner Porter asked if she were correct in understanding that Mr. Schwarschild wanted no further development on Corwin Street Mr. Schwarschild replied that that would be his preference.

Commissioner Porter stated that she had been impressed with Seward Street mini-park; but she wondered, how people are able to get to the site. Mr. Schwarschild replied that the park is used mostly by people who live within 6 or 10 blocks of the site; and most of those people walk to the property.

Commissioner Fleishhacker asked if Mr. Schwarschild knew how many children enter the park from Acme Alley as opposed to Seward Street. Mr. Schwarschild replied that he only knew that some children do enter the park by way of Acme Alley; but he indicated that another member of the audience might have more information on that subject.

Commissioner Ritchie inquired about the value of the subject property. Mr. Major replied that the property is worth approximately $220,000.

Commissioner Ritchie then observed that the Eureka Valley Promotion Association wished to have the subject property remain vacant for the protection of the adjacent mini-park; and, if the p property were to remain vacant, he wondered how the owner of the land would be compensated.

Mr. Schwarzschild stated that property owners in Bolinas are being prevented from undertaking new construction because of the inadequancy of the town's sewer system; and he felt that the issue which was presently before the Commission was somewhat comparable. He remarked that it is clear that the Department of Public Works is not going to do anything to solve traffic problems in the subject neighborhood; and, as a result, if something were to be constructed on the subject property which would add to the traffic burden of the neighborhood, he felt that the owner of the property should be required to pay for a solution to the traffic problem.

Commissioner Porter asked if there were any possibility that concerned residents of the area would be willing to purchase the property. Mr. Schwarschild replied that they would be willing to purchase the property if they had the means; however, in order to raise the funds necessary for purchase of the property, he believed that a city-wide effort would be needed.

Mr. Schwarschild then called on a resident of the neighborhood to run a film which had been taken to illustrate traffic problems in the area and to show how the Seward Street mini-park is used. The film ended with a mock accident on Acme Alley intended to illustrate how increased automobile traffic on that dangerous roadway could threaten the lives of children using the roadway for access to the mini-park.

Sue Hestor, President of the Eureka Valley Promotion Association, called attention to the fact that many residents of the neighborhood had signed petitions in opposition to the proposed project. She then read excerpts from the minutes of the Commission' meeting of March 21, 1963, in which the Director of Planning had recommended that the zoning of properties in the subject neighborhood be changed to R-2; and, in giving his recommendation, he had pointed out that the application then under consideration focused attention on the broad issue of density standards adopted in the Planning Code then in existence. She also read excerpts from the minutes of the Commission's meeting of June 7, 1973, when Assistant Fire Chief Gautier had been present and had stated that it would be impossible for fire trucks to get into the area if automobiles are illegally parked near the intersection of Douglass and Corwin Streets. Chief Gautier had also indicated that water pressure causes another problem in that insurance services require a delivery of 2500 to 3000 gallons per minute and stated that it was possible to get only about 1000 gallons per minute in the subject neighborhood. Miss Hestor stated that she had passed the intersection of

Douglass and Corwin Streets earlier in the day; and, given the way that people were parked in the area, she was convinced that it would have been impossible for a fire truck to get into the area.

Commissioner Rueda asked how the proposed building would change the existing situation in the subject neighborhood. Miss Hestor replied that the proposed project would have only 25 off-street parking spaces for 22 dwelling units; and, in view of the rents which would probably be charged, she believed that the 3-bedroom units in the project would probably be occupied by tenants with 3 cars. On an over-all average, she estimated that the project would bring at least 1½ and probably 2 cars to the area for each unit constructed.

Commissioner Rueda observed that the parking problem already exists in the neighborhood; and he did not see how the problem could get any worse.

Miss Hestor felt that the problem could get a lot worse. In fact, only 4 years ago it was possible to find parking spaces in the area. However, parking is not the major problem. The main problem is that of traffic hazards. She remarked that most neighborhoods have a variety of access routes; however, only 3 or 4 routes are available for access to the subject neighborhood, and all of the routes use one block of Douglass Street. She indicated that the proposed building would cast a shadow on the subject property itself; and, as a result, it would be difficult to maintain good landscaping on the site. She remarked that the impossible traffic conditions in the neighborhood had been one of the factors which had led the Commission to "down-zone" property on Kite Hill last year; and, since things had not gotten any better in the interim, she did not see how the Commission could overlook traffic considerations in its evaluation of the project presently under consideration.

President Newman asked Miss Hestor what her specific request of the Commission would be. Miss Hestor replied that under ideal circumstances she would prefer that nothing be constructed on the subject property; however, given reality, she would like to have the Commission require the developer to scale-down his project. In response to further questions raised by President Newman, Miss Hestor stated that she felt that 8 dwelling units would make a wonderful project; however, given the possibility that such a request might be unrealistic, she would be happy to settle for two thirds or two quarters of the units proposed with no building directly abutting on Acme Alley. That compromise would give residents of the neighborhood some sunlight and safety.

Eileen Laspa, 4426 19th Street, raised the following concerns about the effects of the proposed project on the Seward Street mini-park:

"First, the possibility of this building causing a large shadow to fall on the park especially in the late afternoon when children have the greatest opportunity to play there. Since we do not have an Environmental Impact Report, we do not know for sure how bad this could actually be.

"Second, we are worried about the potential safety hazard for children coming to the park through Acme Alley. The building plans call for parking access using this public thoroughfare which is not equipped with a sidewalk. There may be blind corners, both for auto drivers and pedestrians to say nothing of the hazard caused by the steepness of the alley. This causes cars to have a momentary blind spot as they come over the hill crest off Corwin Street. The slope also lessens tire traction. I have personally seen a car skid trying to get up Acme Alley to Corwin. In damp weather, drivers could easily lose control of their vehicles endangering children coming to the park.

"Third, the park already generates considerable noise from the children playing there. If a high six story building faced the park uphill we might be building ourselves an echo chamber where the noise reverberated from all sides. I should think that even the builders in the interests of renting their units would want to avoid that.

"Finally, but most important however, is how it feels to play in the park. Should children play in an atmosphere where the things around them are human sized and in proportion to nature, or should they play in an atmosphere of huge buildings much taller than even the surrounding trees that makes them feel even smaller than they are and that much less important. This consideration is, admittedly, much less tangible than some of the others, but I hope you will not ignore it. It may be tied to why high-rise public housing projects for families are not very successful. At Seward Street, the predominant feeling now is of sky and open space. For the sake of our children, we don't want to see that become concrete and parking garages."

Through a series of questions directed to Mrs. Laspa, Commissioner Fleishhacker determined that the Seward Street Mini-Park is used mostly by children between the ages of 3 and 12 years, that the younger children are usually accompanied by adults when they visit the mini-park, and that access to the mini-park is distributed approximately equally between Seward Street and Acme Alley.

Commissioner Fleishhacker then asked if Acme Alley is a safe safety hazard for the children at the present time. Mrs. Laspa replied that the hazard is not great at the present time since many of the children walk on the vacant land instead of in the street right-of-way. Commissioner Fleishhacker then observed that the 24 foot right-of-way being proposed by the developer for Acme Alley should reduce the present danger.

Commissioner Porter asked when the mini-park is used. She remarked that the members of the Commission had taken a field trip to the site at 1:30 in the afternoon and had seen no children in the mini-park. Mrs. Laspa replied that the mini-park is used on weekends and during the summer months; in addition, the mini-park is used by schools in the area during the school year.

Robert Davis, resident of property at the intersection of Douglass and Corwin Streets, stated that he was pleased that members of the Commission had taken a field trip to the subject neighborhood; and he felt that it was significant that a large number of residents of the neighborhood had come to the present meeting to protest the proposed project. He noted that the film which had been shown earlier in the meeting had illustrated that it is almost impossible for fire trucks to make the turn at the intersection of Douglass and Corwin Streets; and, as another example of the traffic problem faced by the neighborhood, he advised the Commission that a moving van had gotten into difficulty in the area last weekend, holding up traffic for 20 minutes a scrapping things in the process. He believed that the 22 units proposed would be inhabited by single people; and the automobilees which they would bring to the area would make the traffic problem significantly worse. In conclusion, he stated that he hoped that a compromise could be reached wherein the developer would be willing to reducethe number of units in the proposed project, resulting in a situation which would be more tolerable. In reply to a question raised by Commissioner Fleishhacker as to the number of units which should be eliminated, Mr. Davis stated that he felt that the entire project should be limited to 3 floors in height; and he believed that the developer could still make a profit from such a project.

Commissioner Farrell observed that additional automobiles, resulting in slower traffic, would probably reduce the accident hazard in the neighborhood. Mr. Davis tended to disagree. Auto-

mobiles travelling opposite directions on the hair-pin turn are not able to see each other regardless of their speed; and even single automobiles sometimes have difficulties. He stated that his automobile had been side-swiped three times.

Commissioner Ritchie remarked that there are many areas in San Francisco, such as Telegraph Hill, Pacific Heights, and Nob Hill, which experience similar traffic problems. After Mr. Davis had suggested that no other hilly area in the city has a deadend street which is developed entirely with multiple dwellings, Commissioner Ritchie cited Montgomery Street on Telegraph Hill as another example of such a street.

Joan Cunningham, a teacher at Alvarado Elementary School, advised the Commission that children attending that school live south and east of the Seward Street mini-park. Children in her classes had prepared charts to indicate how they use the mini-park Of the 29 children who live near the mini-park, nine indicated that they never go to it, none indicated that they use it daily, four indicated that they use it weekly, and 16 indicated that they use it sometimes. A second chart explained whom they go with when visiting the mini-park. A third chart showed that eleven children always enter the mini-park by way of Acme Alley, that six children always enter the mini-park from Seward Street, and that three chil dren enter by either route.

Joyce Silver stated that she lives in an existing 22 unit apartment building which has frontage on Acme Alley. She advised the Commission that most of the people who live in the building have more than one automobile; and, since the open car ports in the building are very dangerous, many of the people residing in the building prefer to park on the street. While it appeared that the propose project would be very attractive, she felt that it would be much too large for its location. While she felt that the subject property should be developed, she believed that the number of units should be reduced; and she suggested that the elimination of four units on one end of the project might be a reasonable compromise. She confirmed that streets in the neighborhood are often blocked, making it impossible to get into or out of the area; and she emphasized that Acme Alley is very steep and dangerous.

Commissioner Ritchie asked Miss Silver if she felt that red curbs would help to over-come traffic problems in the area. Miss Silver replied that the neighborhood has very few curbs as it is; and, if the existing curbs were painted red, people would have no place to park their cars. She advised the Commission that streets in the neighborhood are particularly hazardous for visitors who are not familiar with the area; and she reported that some of her friends have had accidents there.

Mario Spagna felt that Commissioner Ritchie had expressed a valid concern when he had questioned how the owner of the subject property would be reimbursed if he were not permitted to develop the site; however, he believed that the concerns which had been expressed by residents of the subject neighborhood far outweighed the interest of the owner. He stated that fire hazard in the neighborhood would be aggravated by construction of the proposed project; and he emphasized that it is almost impossible for Fire Department equipment to get into the area. When asked by President Newman if he were of the opinion that nothing whatsoever should be built on the property, Mr. Spagna replied that he believed that there was some room for compromise.

Louis Strait remarked that the alley ways on Twin Peaks have been of great value to pedestrians, both for strolling and for access to public transit; and he felt that it has a step in the wrong direction to expand the use of the alleys for vehicles.

Thomas Karnes stated that he also, had made a shadow study of the proposed project; and he indicated that his study substantially concurred with that of the developer's architect. However, his study had indicated that the upper part of the mini-park would be in complete shade during the latter part of afternoons from October 23 to February 13. He also submitted a letter which had been addressed to the Commission by Richard Egelhofer, a fireman which read as follows:

> "In my professional opinion, a new apartment building would add to an already dangerous fire area, Corwin Street.
>
> "In most areas of San Francisco, the Fire Department apparatus can arrive on the scene of a fire from all directions. In the case of Corwin Street, there is only one entrance route, via 21st and Douglass Streets. This is further complicated by a narrow 90° turn (Corwin at Douglass Streets) which an Areal Truck would have considerable difficulty negotiating, and a very limited access from below (Seward Street) a very steep slope. In fire fighting, arrival time of the apparatus and men is paramount and therefore a small room and contence fire could very easily turn into a tragic loss of life and property.
>
> "As a fire fighter, I feel Corwin Street is an extreme fire hazard area and should be zoned low density for fire safety. As a life long resident of Eureka Valley, I feel the squeeze of high density housing; ie., busy streets, lack of street parking, lack of open space; which taxes the city services of Police, Fire, and Schools."

John Kornfeld suggested that the Commission should take the environmental impact of the proposed project into consideration, giving thought to its effect on traffic congestion, fire hazards, and inadequate water pressure. His recommendation was that one unit should be eliminated from each level of the proposed project. Such a modification would alleviate the view and shadow problems; and it would bring less traffic to the area.

Jim Kochevar stated that the subject neighborhood is already overbuilt; and he urged the Commission to give consideration to people who already live in the area. He believed that a real fire hazard exists in the neighborhood; and, given that situation, he did not see how anyone could allow more units to be constructed in the area.

David Roditti stated that he is a teacher at Everett Junior High School; and he advised the Commission that many of the children in his classes, as well as his own children, often use the Seward Street mini-park. He regarded the mini-park as unique in that it is both used and maintained by the neighborhood. Residents of the neighborhood, both those living in single-family homes and those living in apartment buildings, have formed a very conscious and involved community; and he believed that construction of apartment buildings such as the one presently being proposed would encourage residents of the subject neighborhood to move out of the city.

President Newman asked for a show of hands of those present in the audience in opposition to the proposed project. Approximately 40 people responded.

Mr. Schwarzschild noted that Commissioner Ritchie had asked him if he was opposed to any development of the subject property; and he acknowledged that his response had been somewhat indirect. Nevertheless, residents of the subject neighborhood had done a great deal of "soul-searching" relative to a possible compromise; and they had prepared a sketch of a possible alternative to the proposed project. He displayed the sketch, noting that it was designed to solve three basic problems posed by the original plans i.e. the effect of the project on the mini-park, on traffic, and on neighborhood safety. One of the main features of the rendering was that the driveway for the proposed project had been removed from Acme Alley. In reply to a question raised by Commissioner Porter as to the number of units which would be possible under the alternate scheme, Mr. Schwarzschild replied that he was not entirely sure insofar as the developer would have flexibility in terms of numbers if he were to vary the sizes of the units; however, he believed that it would result in a reduction of approximately 8 units.

President Newman asked if the developer had any alternate proposal to offer.

Mr. Major remarked that a double standard was being used in the sketches which were on display in the meeting room. He stated that the drawings and model which had been prepared for the developer were prepared to scale whereas the perspectives which had been prepared by the opposition had offered them an opportunity to emphasize what they wished and to de-emphasize what they wished. While Acme Alley has a width of only 10 feet at the present time, the developer's plans would widen the roadway of the alley to 16 feet to permit 2 way traffic; and, in addition, the project would provide a 5-foot wide walkway and a 3-foot wide planting strip on privately-owned land.

Commissioner Ritchie asked how the walkway would be separated from the alley and whether the walkway would consist of steps or a ramp. Mr. Major replied that the walkway would be separated from the alley by curbs. Flat portions of the sidewalk at driveway areas would be like regular sidewalks; and steps would be provided on the steeper slopes. He pointed out to the Commission that the apartment building on the opposite side of Acme Alley was permitted to have a much smaller rear yard than the project now being proposed; and, in addition, the other apartment building was allowed to use its rear yard area for parking. As a result of new regulations, the proposed project would have a great deal more open-space than the other development; and, in addition, the landscaping of the proposed project would be enhanced by drop-in planters which would be installed on the rear balconies of the building.

Commissioner Ritchie then asked how the garage of the proposed building would be screened. Mr. Major replied that it would be screened by something like a fence which would permit the passage of air. He then noted that one of the opponents to the project had claimed that the upper part of the mini-park would be cast in shadows during late afternoon hours for three and one-half months in the winter; and he indicated that he wished to call on an assistant who had prepared the shadow studies for him to comment on the opinion expressed by the other person.

Bob Degoff stated that the proposed building would not be the only building in the area which would cast shadows on the mini-park; and he advised the Commission thatit would be the only building which would not cast shadows on the mini-park everyday of the year. In fact, the shadow of the proposed project would not touch the mini-park on a great number of days during the year. As an average, the shadows cast by the proposed project on the mini-park at 3:00 p.m. would account for only 46% of the shadow

cast by other buildings. Later in the day, around 5:00 p.m. when the sun sets, buildings located higher on the hill would cast their shadows over the proposed project as well as the mini-park.

Commissioner Ritchie, noting that the residents of the neighborhood had expressed concern about shadows, traffic congestion, and views, asked what alternatives the developer would suggest, if any, to meet those concerns.

Mr. Major replied that the proposed project, with 22 dwelling units, would house approximately 25% of the people on the block; and he believed that his client was as much concerned about the problems of the neighborhood as anyone else since his tenants would have to share the same adversities. When asked by Commissioner Ritchie if a slight reduction in the number of units in the proposed project would be possible, Mr. Major replied that anything is possible but indicated that he would have to put the question to his client.

Commissioner Porter asked how many units would legally be permitted on the subject property under the Interim Residential Zoning Controls. Mr. Passmore replied that a maximum of 24 dwelling units would be permitted on the site.

Mr. Kornfeld asked how many units would be eliminated if each level of the project were to be reduced by one unit. Mr. Major replied that 5 dwelling units would be eliminated.

The Secretary advised the Commission that he had received a call from Assemblyman John L. Burton's office indicating that the assemblyman wished to be placed on record in support of residents of the neighborhood who had spoken in opposition to the proposed project.

Mr. Passmore stated that Thomas Malloy of the Recreation and Park Department had called to state that his department was concerned about the project and that it hoped that the City Planning Commission would take into account the safety of children in the area. It was also hoped that any building which might be approved for the property would not significantly reduce the sunlight available to the mini-park.

Commissioner Ritchie asked if the economics of the owner of the subject property would allow a reduction in the number of units proposed for the site.

George Lu, owner of the subject property, advised the Commission that he had sold the city two lots for the mini-park for $37,500 while the properties were actually worth $52,000. Furthermore, when he had originally purchased the subject property,

a greater number of units would have been permitted than at the present time. When asked by President Newman if his preference was to stand on the plans which had been submitted, Mr. Lu replied in the affirmative.

Mr. Schwarzschild stated that he had talked with Mr. Babin in the City's Real Estate Department and had been advised that the city had had a fair appraisal made of the lots now occupied by the mini-park, that it had made Mr. Lu an offer, and that he had accepted the offer.

Allan B. Jacobs, Director of Planning, observed that the proposed project would conform with all applicable City Planning Code provisions for the subject R-3 zoned property, including interim controls particularly related to front setbacks and rear yard areas; and he believed that the only modification which would have any significant effect on the issues raised by residents of the neighborhood would be to eliminate as many as one-half of the units in the proposed development. He felt that the proposed project would be consistent with existing development on Corwin Street. With regard to the issue of shadows, he indicated that it was possible that a slight reduction of the rear balconies of the upper units of the proposed project might have a significant positive effect on the mini-park; and he wished to have an opportunity to study that matter further with the applicant and his architect. He then recommended approval of the modified building permit application subject to two conditions. The conditions read as follows:

"1. In consultation with the Department of City Planning, the presently submitted plans shall be modified to reduce the overhang of roof decks where such reduction would result in preservation of existing sunlight on the adjacent mini-park; and

"2. Final exterior architectural materials and details, and final landscaping, consistent with the drawings and model presented by the applicant to the Commission on June 6, 1974, shall be reviewed and approved by the Department of City Planning prior to commencement of building construction."

President Newman asked if the conditions which had been recommended by the Director would be acceptable to the applicant.

Mr. Major replied that he would be willing to work with the staff of the Department of City Planning to reduce the overhangs of the upper rear balconies if it appeared that something would be gained by such a reduction.

After further discussion it was moved by Commissioner Ritchie and seconded by Commissioner Fleishhacker that the draft resolution recommended by the Director be adopted.

Commissioner Fleishhacker noted that one of the concerns expressed by residents of the neighborhood was the safety of Acme Alley; and he emphasized that construction of the proposed project would render the alley safer than at the present time. Another concern expressed was that of traffic congestion, the solution to which might involve widening the street; but he observed that the Department of City Planning does not have jurisdiction over such matters.

Commissioner Porter remarked that the basic tenor of the objections which had been raised was that residents of the neighborhood wished to have no development on the subject property whatsoever. While she was sympathetic with their concerns, she pointed out that the new Interim Residential Zoning Controls would result in the provision of a larger rear yard area without parking for the proposed project than that which was required for the apartment building on the opposite side of Acme Alley. She felt that the major mistake was made by the Board of Supervisors in 1960 when they had overruled the recommendation of the City Planning Commission for R-1 zoning in the subject neighborhood and had zoned the area R-3. In conclusion, she stated that she agreed with Commissioner Fleishhacker that something should be done to widen Corwin Street, even if it should result in disruption of existing buildings.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7187 and to approve the revised building permit application for the proposed project subject to the two conditions which had been recommended by the Director of Planning.

The meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 13, 1974.

The City Planning Commission met pursuant to notice on Thursday, June 13, 1974, at 3:45 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell, Mortimer Fleishhacker, Thomas J. Mellon, and John Ritchie, members of the City Planning Commission.

ABSENT: Hector E. Rueda, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; Lucian Blazej, City Planning Coordinator; Emily Hill, Planner III - Transportation; John Mackie, Planner II; and Lynn E. Pio, Secretary.

Larry Liebert represented the San Francisco Chronicle; and Donald Canter represented the San Francisco Examiner.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, announced that next Thursday's Neighborhood Plans Committee meeting will be cancelled.

The Director advised the Commission of items to be heard during meetings to be held in the near future.

The Director distributed copies of a draft resolution which he had prepared to announce the Commission's intention to hold a public hearing on the question of increasing City Planning Code fees. He noted that a report had been made on this matter during the meeting of May 24; and he indicated that the proposed resolution was required to initiate the Planning Code amendment to change the fees. If the draft resolution were adopted by the Commission, the public hearing would be calendared by July 11. He recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7188.

The Director displayed and commented on a map which had been prepared to reflect the recent vote on Proposition "C" by precinct. The gist of his comments was that it appeared that the poorer and richer neighborhoods had voted for the initiative while middle-class neighborhood had voted against it. George A. Williams, Assistant Director - Plans and Programs, observed that there seemed to be a corollation between the "no" vote and precincts which are comprised largely of owner-occupied single-family residences.

[illegible]

[illegible] of the Planning Commission [illegible], June 13, 1[illegible].

[illegible] Planning Commission [illegible] on Tuesday, June 13, 197[illegible], at [illegible] p.m. in the [illegible].

PRESENT: [illegible] Chairman; [illegible]; Commissioner Fleischhauer; [illegible]; [illegible]; [illegible] of the City Planning [illegible].

ABSENT: [illegible]

The minutes of the [illegible] Planning Commission [illegible] approved as [illegible] Commissioner [illegible]. Commissioner Fleischhauer, [illegible]; Planning Director [illegible]; Planning Director [illegible]; [illegible] Temporarily [illegible]; [illegible] and [illegible] Deputy Director.

[illegible] Labor representative [illegible] Commissioner [illegible] represented the San Francisco Building.

CURRENT MATTERS

Allan B. [illegible], Director of Planning, [illegible] Southern Pacific Plans Commission [illegible] be [illegible].

The Director advised the Commission [illegible] be held during [illegible] be held in the near future.

The Director discussed [illegible] to amend the Commission [illegible] the [illegible] of the Planning Code. [illegible] this matter during the meeting of May 23; and [illegible] the [illegible] matter was required to initiate the [illegible] for the [illegible] be calendared by June [illegible].

After discussion it was moved by Commissioner [illegible], second Commissioner [illegible] and carried unanimously that [illegible] be [illegible] of City Planning Code Section [illegible].

The Director displayed and [illegible] the [illegible] and [illegible] reflect the recent vote on Proposition "N" by [illegible] of the [illegible] was that it appeared that the public [illegible] not [illegible] initiative while middle-class neighborhood [illegible] A. Williams, Assistant Director - [illegible] be a coordinator between the [illegible] of [illegible]-occupied [illegible].

The Director reported that the Board of Supervisors, meeting on Monday, had adopted zoning changes for Nob Hill as recommended by the Commission.

PUBLIC HEARING ON THE POLICE FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN -- A PROPOSAL FOR CITIZEN REVIEW.
(CONTINUED FROM MEETING OF JUNE 5, 1974)

Following introductory remarks by President Newman and the Director of Planning, Dr. Washington E. Garner, President of the Police Commission, stated that a group of people had arrived at the Police Commission meeting on June 5 after the members of the City Planning Commission had departed; and the Police Commission had received testimony from those individuals who wished to be heard. Lieutenant Jordan of the Police Department stated that a court reporter had been present and had prepared a transcript of the testimony; and he had had copies of the transcript prepared for distribution to individual members of the Commission.

Dr. Robert Raines, 188 27th Street, read the following statement:

"I wish to commend the Department of City Planning and the Police Department for what is essentially an excellent and thorough report (Proposal for Citizen Review: Police Facilities). However, I oppose the projected closing of two district stations. I would favor a minimum of nine district stations; I would favor even more. To quote the Report (p.25):

' ...Continuous communication, interaction and cooperation between the police and community on an informal basis foster understanding and develop ties which strengthen the community and aid the police in their peace-keeping responsibilities.
...Neighborhoods want to relate to police personnel on an individual basis, as partners working together to improve the quality of community life.'

"The report embodies a strong spirit of positive community-police relations. But any tendency to centralize police facilities will be a grave detriment to the possibility of such a positive relationship.

"One of the best aspects of S.F.P.D. policy is its program by which public inebriates are kept outside of the criminal justice system. Public drunks are allowed to 'dry out' at district stations rather than being arrested. But this process of diversion (which lightens court schedules considerably) cannot be carried out in neighborhoods where residents and police don't know each other. When an officer and a public inebriate who are strangers to each other make contact, the possibilities for tension, hostility and conflict are enormously increased.

"The concept of diversion from the criminal justice system (which now has a nationwide organization formed in its support) is summed up in a University of Oregon doctoral dissertation in Psychology by Dr. Donald A. True (September 1973). The dissertation is entitled Evaluative Research in a Police Juvenile Diversion Program.

'The concept of diversion ... can be regarded as a social application of psychological principles which advocate a prescription of minimal involvement with punishing authorities and maximal involvement with those who reinforce prosocial behavior and develop human problem solving skills...'

"Diversion, in short, is an innovation in police work that is meeting great success in many municipal areas (including Boston). It saves lives and it saves money. Any police facilities rearrangement that would make Diversion less effective will be detrimental to the health, safety and welfare of San Franciscans.

"To quote again from the Report:

'...Until there is public support for such a move [the closing of two district stations], the present number of district stations--nine--should be retained.'

"I submit that there is no community support for these closings, and that the planning commission should re-explore the budgetary requirements for bringing the existing stations up to acceptable and functional standards."

Julius Zamacona, a member of the Excelsior - Outer Mission Police Community Relations Committee, stated that the people in his neighborhood feel that they have good relations with the police staff at the Ingleside Station; and they hoped that that station would not be closed. While he acknowledged that better communication systems ought to provide the community with fast police service whether the number of district stations is decreased to 6 or 7 or increased to 9 or 10, he felt that the Ingleside district station should be retained.

Mrs. Ann Stanfel, representing the Central Cayuga Block Club, stated that she would refrain from speaking since Lieutenant Jordan had submitted a transcript of comments made by members of her organization before the Police Commission on June 5. However, she urged the Commissioners to read the transcript.

Myron Zimmerman, representing the OMI Community Association, advised the Commission that petitions had been circulated in his neighborhood concerning the possibility of closing Engleside Station; and they had found that the neighborhood was solidly opposed to losing that facility. As a result, the position of the OMI Community Association would be to do everything possible to prevent closure of the station. However, he felt that it would be desirable if a new station could be constructed in a more accessible location; and, if a new facility were planned, he hoped that it would contain a room large enough for community meetings.

Diane Brunot, also representing the OMI Community Association, remarked that the Ingleside station is located on park land. As a result, it could not be reconstructed on the same site; yet, there is no other city-owned land in the Ingleside district where such a facility could be located. Under the circumstances, she felt that the existing station should be retained. If any changes were to be made in the number of districts, she felt that they should be increased rather than decreased. In her opinion, a new police station should be constructed on Ocean Avenue near the existing firehouse; and she remarked that the Homewood

Terrace property would have made a good site for a new station if the city had had funds when the land was available. She remarked that her neighborhood had lost its share of Bart construction when funds were transferred for the construction of the Embarcadero station; and efforts have been made to close branch libraries in the area. Police service, however, must not be lost; and she felt that the city should provide the men in the Ingleside district station with everything they need to do their jobs, including a need building, if necessary.

W. T. Turner, representing the Central Cayuga Block Club, advised the Commission that schools in his neighborhood had been vandalized; and he indicated that parks in the area have not been provided with sufficient police protection. He felt that the matter would become infinitely worse if the Ingleside district station were to be closed.

Gerald E. Parmenter, Vice-President of the Home Owners Tax Control Association, stated that the members of his organization had had a meeting since he had last appeared before the Commission; and they continued to feel that the staff proposal should be tabled for two years. He believed that an effort is being made to federalize police departments throughout the United States; and the intelligence reports which he receives from Washington D.C. every two weeks indicate that things are getting worse week by week. If the Commission were to postpone action on the proposed plan for two years, he believed that they would not wish to establish the policies recommended in the staff report at that time.

Mrs. Hoesser, representing the Naples - Rolph Block Club, stated that she would agree to the closing of her district police station if the closing would put 50 more policemen on the streets where they are needed. However, if no more policemen were to be placed on beats, the members of her club would not be willing to agree to a reduction in the number of district stations.

Paul Wong, a U.M.C. Community Developer, felt that the Richmond District station should offer positive vocational training.

Jeanne Lippay, Chairman of the San Francisco Conservation Sub-Committee of the San Francisco Bay Chapter of the Sierra Club, submitted and summarized the following statement:

> "The San Francisco Department of City Planning and the San Francisco Police Department are to be commended for the Police Facilities Proposal for Citizen Review which has resulted from their joint efforts.
>
> "The S. F. Bay Chapter SIERRA CLUB supports the April 1974 plan being considered for adoption by the Planning Commission as it now stands and including the following assurances:
>
> > "1. Because the Pistol Range at Lake Merced is non-conforming with the open space zoning designation of the City's Comprehensive Plan for this area (p. 15), it should be phased out as pistol range facilities are incorporated in the district stations and headquarters

building. Until such time as the indoor facilities have been built, the pistol range at Lake Merced will be maintained but not expanded (p. 23), and will be made available for public recreational use under proper supervision (p. 40).

"2. A Police Athletic Facility should be centrally and conveniently located, integrated with the Police Academy and near Police Headquarters. Police personnel should be encouraged to use existing neighborhood athletic facilities for exercise and training (p. 32).

"The following portions of the Plan are unacceptable to the S. F. Bay Chapter SIERRA CLUB without further clarification:

"1. Recommendation to build a new police headquarters or expand present Hall of Justice facilities, depending upon a cost benefit analysis and study of functional and spatial requirements (p. 37). Clarification is requested as to what opportunities there will be for public hearing and discussion of alternative sites.

"2. Recommendation to build a new permanent heliport and maintenance facility in the 'good weather belt along the Bay' (p. 39). Clarification is requested re. anticipated location of heliport as well as of emergency optional landing sites.

"The Bay Chapter SIERRA CLUB is appreciative of the fact that the planners of the Police Facilities Proposal are aware of the need for balance between the centralization necessary for such police activities as policy formation, program planning, administration, etc., and the dispersal of police services necessary for effective local crime control.

"We are wholeheartedly in support of programs to encourage citizen participation in crime reduction as a long-range Police Department goal (p. 36). We believe that any program aimed at developing a closer relationship between police personnel and the people they are asked to serve will result in safer communities and neighborhood parks, as well as in better supported policemen. The climate then might even be such as to encourage the implementation of a neighborhood block plan within which concerned and knowledgeable citizens in each neighborhood would work with the police assigned to their area for the control of crime."

Mrs. Mirigian, representing the Cayuga Block Club, urged that the Ingleside District station be retained. While she felt that the Police Department had given her neighborhood as much protection as possible under present circumstances, she stated that she had been robbed three times and that the shrubs in front of her house had been used for dope transfers. If residents of the neighborhood could be guaranteed that they would have adequate police protection, she doubted that the type of housing utilized for the police forces would be an issue. She recognized that Los Angeles, as large as it is, has a centralized station. In

[illegible]

San Francisco, she believed the district stations should be eliminated if they are not important so that the city could save some money; however, if district stations are needed, it seemed to her that all of the existing facilities should be retained.

Henrietta Abrams, 821 Cole Street, noted that Park Station had been closed for a year and remarked that other people in the audience could not possibly realize the effect which closing of a district station can have on a neighborhood; and she indicated that residents of her neighborhood do not wish to go through the same experience again. There are a lot of facilities which a neighborhood can do without; but she felt that her district station must be retained on its present site.

Reverend Lyle W. Grosjean, representing the Ecumenical Ministry in the Haight Ashbury, proposed that the Commission should do the right thing and table the staff report until such time as the Police Department has prepared a comprehensive and comprehensible organization plan. Until such a plan is available, discussions of how to house the police force would be premature. He stated that he was not married to the current situation but rather to a rational approach to the matter; and the procedures presently being followed did not seem to him to be logical. He indicated that he was not committed to the concept of 9 district police stations; and, in fact, his personal inclination was to favor as many as 15 or 20 district police stations.

Commissioner Fleishhacker asked Reverend Grosjean to comment further on the "irrationality" of the procedures presently being followed by the Commission. Reverend Grosjean stated that the report which had been prepared by the staff of the Department of City Planning offered a number of option ranging from one centralized station to an infinite number of district stations; but the report did not indicate whether the Police Department is actually headed towards a centralized station concept or towards a concept which would involve more human contact, a concept which he personally advocated. Step one of the process should be to determine what course is to be followed in reorganization of the Police Department; and only after those decisions have been made would it be rational to proceed with step two, which would involve the issue of appropriate housing for the Police Department. In response to a further question raised by Commissioner Fleishhacker, Reverend Grosjean stated that he felt that the public would support any plan for housing the Police Department which was directly related to the structure of the reorganized Police Department.

John A. Macauley, representing Save our Neighborhoods (SON), regarded the major problem area of the Police Department as one of human relations; and he believed that "grass root" input is needed to resolve those problems. Furthermore, he felt that plans for police facilities should be drawn in terms of human beings and not merely in terms of brick and concrete.

President Newman stated that he had received a telephone call from Mr. Macauley requesting that a night meeting be scheduled to receive comments from the public on the Police Facilities Plan; and he indicated that he had also

received a letter from A. A. Roderick, Chairman of the Police Community Relations Committee for the Taraval district, requesting that an evening meeting be scheduled. He asked Mr. Macauley if the people whom he represented were still demanding that a night meeting be held. If so, the members of the Commission would probably be willing to schedule an evening meeting even though additional meetings cost the taxpayers money. Mr. Macauley replied that he believed that any evening meeting would enable the Commission to obtain the maximum community input for the Police Facilities Plan. He also observed that other organizations such as the Inner Sunset Action Committee, the Haight Ashbury Neighborhood Council, the San Francisco Industrialists and OMI had requested that an evening meeting be held.

Commissioner Porter felt that an evening meeting should be scheduled; however, she hoped that the Commission would concentrate on people who have new testimony to offer rather than those who had already been heard during the previous two hearings. She then moved that a special evening meeting be scheduled for Thursday, June 20, at 7:30 p.m. in Room 282, City Hall. The motion was seconded by Commissioner Fleishhacker.

When the question was called, the Commission voted unanimously to schedule the special meeting as proposed by Commissioner Porter.

President Newman requested Mr. Macauley and other representatives of community organizations to advise the members of their groups of the evening meeting and to request that comments already made not be repeated.

Commissioner Fleishhacker, commenting on the fact that there was an obvious difference of opinion between individuals who felt that a centralized police system would provide the best service and those who felt that the best service would result from retention from the present nine district station concept, asked if there were any way that the Commission could be provided with an analysis of the relationship between the number and location of police stations and the service rendered by the Police Department.

Donald M. Scott, Chief of Police, stated that evidence indicates that more policemen could be placed on beats if district stations were to be closed; however, he remarked that it was apparent that the public is opposed to the closing of district stations. He remarked that one of the women who had spoken, had, in effect, asked for a guarantee that her neighborhood would have no crime in the future; and his observation was that such a situation could never be reached unless the people residing in the neighborhood remain vigilant. He indicated that the police force would do the best that it can to deter crime; however, they would need the support of the public in their work.

President Newman remarked that his neighborhood had experienced a series of burglaries and robberies several years ago. At that time, the staff of their district police station had called a neighborhood meeting and had told residents of the area what to watch for; and the problem had eventually been overcome. He wondered if the same sort of program could have been organized without a district

station house. Chief Scott replied that the neighborhood concept is being tried out at the Park Station; and he hoped that the program would be successful. However, he emphasized that modern communication systems enable the police to be in immediate contact from any part of the city. He stated that members of the police force are not so much interested in closing down existing facilities. However, they do want good facilities and meeting rooms; and he felt that they should be entitled to such things.

Mrs. Abrams stated that walking policemen had been withdrawn from her street when Park Station was closed; and she indicated that they were missed. In reply to a question raised by Dr. Garner, she stated that policemen presently walk Cole Street every day and every night.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, June 20, 1974.

The City Planning Commission met pursuant to notice on Thursday, June 20, 1974, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; John C. Farrell and Virgil Elliott, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Lucian Blazej, City Planning Coordinator; and Lynn E. Pio, Secretary.

Marvin E. Cardoza, a member of the Police Commission was also present. The Police Department was represented by Chief of Police Donald M. Scott, Captain Sully, and Lieutenant Jordan.

PUBLIC HEARING ON THE POLICE FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN--A PROPOSAL FOR CITIZEN REVIEW.

(Continued from meeting of June 13, 1974)

Following introductory remarks by President Newman and Allan B. Jacobs, Director of Planning, President Newman called on members of the audience who wished to be heard on this matter.

Audrey Guassardo submitted and summarized the following statement which had been prepared by Arthur O'Flanagan, Chairman of the Sunset-Parkside Alcoholism Resources Committee:

"Sunset-Parkside Alcoholism Resources Committee (SPARC) is opposed to the closing of district stations for very concrete reasons:

"1. SPARC volunteers operate a Drop-in Center every evening from 6 PM to midnight at 1990 - 41st Avenue, where alcohol-related problems can be discussed in a relaxed atmosphere (please see attached SPARC Brochure for further details). One purpose of our Center is to provide shelter for family members who must leave the home because of a crisis situation involving alcohol abuse.

"We quote the following statistics given to SPARC in May 1973 by Taraval Station personnel:

'The majority of arrests are from 9 PM to 1 AM in the Sunset. 80% of family disputes have liquor at the bottom of the problem. Of the arrests in the Sunset, 70% are for drinking and 50% of those arrests are family disputes.

'The vandalism and fighting that teenagers get into on Friday and Saturday nights inevitable have alcohol usage as a factor.'

"It is obvious how SPARC and the Police Department in our area can work together. We are prepared to take these family members off the hands of the Police Department and give them constructive help. However, unless the officers know of our Center, they cannot refer people to us. Continuity of officers assigned to our area is vital to this project working to the best interest of the people in the community who are hurting.

"2. If the Youth/Young Adult Alcohol and Related Drug Diversion Project gets under way, SPARC plans to work very closely with the Police Department, ENERGY and other related agencies to make it effective in our community. We need district stations so that we can accomplish Diversion. Attached statistics from National Council on Alcoholism indicate that 50% of the children from alcohol-troubled homes grow up to be alcoholics or to marry one. If we are ever to stop this circulatory pattern, it is imperative that all agencies cooperate."

Evelyn Eaton, 155 Jackson Street, stated that she is a sociologist. She indicated that police cooperation with neighborhood groups is particularly important in the case of young people who abuse the law. She also felt that the police force today is in a position to expand its functions in a positive direction; however, if the police force is going to try in a positive way to help youth, it will have to maintain an esprit de corps in the various neighborhoods of the city. For those reasons, she was very interested in maintaining the existing district facilities.

Miss Guassardo, speaking in her own behalf, read the following statement:

"While there is probably good economic justification to centralizing police facilities and activities, there is much opposition from the community standpoint. One objection is the very important psychological aspect of each neighborhood having 'its own' policemen who can relate to their unique needs and concerns.

"Interaction and cooperation between police and citizens in the neighborhoods can and should result in better understanding and thus improve working relationships in terms of problem-solving."

Walter J. O'Donnell, representing Self Help for the Aging, noted that a quorum of the Police Commission was not present; and, as a result, he observed that the Police Commission would not be in a position to take action at the conclusion of the hearing. President Newman advised Mr. O'Donnell that no action was contemplated at the conclusion of the present hearing.

Mr. O'Donnell then stated that senior citizens are opposed to the closing of existing district stations. He indicated that people often have to go to district stations to make reports; and, while they do not have far to go at the present time, the trip could become arduous if some of the district stations were to be closed.

Jerry Crowley, representing the San Francisco Police Officers Association, stated that the position of his organization was reflected in the ballot arguments in opposition to the closing of Park and Southeast District stations; and he noted that the voters of the city had taken a stand in opposition to the closing of those stations. The members of his organization believed that district stations are an important bridge to the community; and they felt that the concept of centralization of police facilities is outdated. In his opinion, the plan drafted by the Department of City Planning was a cold plan in that it bore no relation to what the police force has to do; and he believed that the issuance of the report had reinforced the community's opposition to the closing of district stations. One of his basic criticisms of the report was that it reflected no real in-depth study of what district stations could become as opposed to what they are at the present time. He believed that the closing of district stations would be detrimental to the safety of police officers and that such closings would bring about a lack of communication and cooperation with people in the neighborhoods. In conclusion, he urged that first priority be given to reorganization of the police Department and that police facilities be considered only when the organization plan has been completed.

Commissioner Porter remarked that most of the people who had addressed the Commission had been opposed to the closing of existing district stations. She stated that she would have personal misgivings if the Richmond station were to be closed; yet, even with that district station in existence, she had not felt any "personal" touch. She stated that she does not know any of the policemen assigned to the station; and everytime she has called the station, a different policeman has appeared. She wondered if Mr. Crowley felt that establishment of additional district stations would help to bring policeman closer to the neighborhoods which they are assigned to serve.

Mr. Crowley replied that a review of district station operations in other cities would indicate that the trend in San Francisco should be towards increasing the number of district stations. However, for the time being, he felt that the most important thing was to retain the 9 existing stations and to improve their operation before new district stations are added. He emphasized that the really important thing was not what the district stations are at present but what they can become.

Commissioner Porter observed that one of the reasons which had been given for reducing the number of district stations was that more policemen could be placed on beats if some of the stations were closed; and she asked Mr. Crowley to comment on that reasoning. Mr. Crowley stated that he felt that that reasoning was completely fallacious.

Commissioner Porter then asked Mr. Crowley if he felt that more policemen should be walking beats. Mr. Crowley replied in the affirmative, indicating that he walked a beat himself and is thus in a position to know the benefit of it. He remarked, however, that the trend is to place policemen in 40 mile per hour vehicles where they become impersonal.

Herbert Ziesch, representing the Police Community Relations Committee for the Northern Station, advised the Commission that the members of his committee were opposed to the closing of Northern Station or any of the other 9 existing district stations.

Leland Barrett, 6207 Geary Boulevard, stated that he was appalled that the city was once again considering the possible elimination of two of the district police stations. He stated that he had fought to retain the Park and Southeast district stations; and he failed to see how elimination of any of the district facilities could benefit the city.

Richard H. Tooker, 22 Lee Avenue, stated that he would not wish to see the Ingleside District station closed; and he doubted that anyone in the neighborhood would be in favor of such a proposal. He remarked that the Police Department has tended to retreat more and more into "fortresses"; and he felt that implementation of the plan presently under consideration would result in further withdrawal of the police force from the community. He observed that the Continental European theory of police activities is that the police serve for the protection and "control" of the population whereas the theory of police activities in the English-speaking world is that police serve to protect and "assist" the population; and he believed that the residents of his neighborhood wished to have a police force which in appearance and in fact would assist them.

A.R. Roderick, representing the Police Community Relations Committee for the Taraval Station, advised the Commission that the members of his committee were in favor of the program recommendations for neighborhood patrol services and auxiliary support facilities which were reflected on pages 38 thru 40 of the staff report; and they hoped that those recommendations would be put into effect. In order to meet the objective of expanding the patrol force of the Police Department, he believed that it might be wise to provide more district stations and to increase the number of vehicles as well as the number of foot patrolmen. He also suggested that small scooters might be used on an experimental basis. While he felt that it is a good thing to see footmen on their beats, he remarked that they are not as effective as they should be under present circumstances; and, for that reason, he felt that it was extremely important that the patrol force should be expanded. He also felt that cooperative use of police facilities is desirable and that it should be encouraged. He asked the Commission to keep in mind that there is a need for adequate off-street parking at district stations; and he suggested that what the community wants is "continuity" and not "anonymity". In conclusion, he suggested that the Commission could save time in the future if it were to discuss proposed plans with community groups before publishing them in the form of reports.

Steven Kever, a member of Save Our Neighborhoods, the Haight Ashbury Neighborhood Council, and Citizens for Justice, advised the Commission that the members of Citizens for Justice, wished to discuss issues other than those raised in the staff report. They felt that reorganization was more important than "brick and mortar"; and they believed that the Police Department should be reorganized before physical facilities are considered.

Rhoda Haberman, representing the Haight Ashbury Neighborhood Law Project, stated that her objection to the staff report was basic and simple: plans for housing the Police Department should not be made until decisions have been made with regard to reorganization of the department. She remarked that the people of San Francisco have been waiting for more than two years for the reorganization study; and she felt that the city's failure to undertake the study reflected a contempt for the voters. Since the voters had demanded the re-opening of Park and Southeast District Stations, she regarded any plan involving the closing of district police stations to be a "dead issue"; and the only issues worthy of discussion at the present time were whether existing stations should be relocated and whether additional district stations should be constructed. She suggested that the plans which had been prepared by the staff of the Department of City Planning be shelved indefinitely.

Rachel Kivler, representing the Gates Block Club, remarked that more muggings are taking place everyday; and she felt that more police protection is definitely needed in the neighborhoods. She stated that a lot of ladies in her neighborhood are now afraid to go out alone at night; and some of them view the neighborhood as being unsafe even in daytime hours. Under the circumstances, she felt that there is a need for more foot patrolmen; and she suggested that they should be kept in neighborhood areas where people can see them since even the mere presence of a policeman can bring peace of mind.

Albert Meakin felt that public relations are by far the most important factor in crime prevention; and he believed that the way police public relations have been handled in San Francisco was almost criminal. He advised the Commission that he had attended meetings at Northern Station on Ellis Street and had found the station to be an absolute disgrace; and, even though 18 neighborhood organizations and merchant groups had addressed a letter to the Board of Supervisors requesting that public meeting space be provided in police facilities, the letter had achieved no results. However, if new police facilities are constructed, he felt that it was important that rooms for public meetings should be provided since it is important to instill in the community a feeling that they are working with the police.

Commissioner Porter stated that she has always had quick and courteous response from the Police Department whenever she has required its services; and she stated that she was of the opinion that a policeman's job is one of the most difficult and least appreciated forms of employment which one might choose.

Mr. Meakin stated that he had not disagreed with the comments made by Commissioner Porter. He indicated that he, also, had never experienced anything but the best of relations with policemen on the beat; however, he did feel that public relations at the top level of the Police Department had heen extremely poor.

John Macauley, 199 Edgewood Avenue, read and submitted the following statement:

"I have said previously that I am the Executive Secretary of Save Our Neighborhoods and belong to other neighborhood organizations and youth groups but - because Mr. Newman asked us to speak on a different subject than the ones previously commented on, I can speak to you tonight only as an individual. In this respect I can comment that I was a police reporter for a number of years and that my more recent experience with the Police Administration as adversaries and rank and file patrolmen in the POA and elsewhere have led me to one general conclusion: responsibility for the best possible implementation for police protection and services in the neighborhoods must lie with the citizens and not with the policemen. Generally, we citizens only exercise this responsibility when we feel we are going to lose something like a police station and the security and personal relationships which go with it. Therefore, help that the average citizen gives to the average policeman is generally fragmentary and spontaneous at the very best. I feel that the Planning Department who are professional in this sort of thing, should act as a catalyst to bring policemen and people together to determine how lay people can work with police, help police and build in police a fondness and a loyalty for the neighborhoods that they work in. If such a 'program outreach' can be done, then the recommendations which would follow could be coupled with an amended version of the Police Facilities Plan and police facilities would have a real meaning.

"The Police Facilities Plan is well laid out and could be an excellent plan, but one half of what must go with this plan is missing and that half deals with public involvement."

Tom McCarthy, representing the Haight-Ashbury Neighborhood Council, read and submitted the following statement on behalf of the Board of Directors of his organization.

"The Police Facilities Proposal marks a new type of planning activity. It is not a 'plan' but a series of proposals 'for citizen review'. Yet the proposals for review go in only one direction -- fewer neighborhood police stations, a direction that this Council and the voters of the city have rejected. These proposals are the third attempt by the city administration in two years to reduce the number of district stations.

"First, the Police Commission ramrodded through the closings of two stations illegally. That was stopped in court and at the polling place. San Francisco's voters made it clear that they wanted to keep all nine stations.

"Earlier this year police and planning administrators came back with a 'seismic survey' study, designed once again to close district police stations. That too was stopped.

"Now, the Police Facilities Proposal. This Council, and a majority of San Francisco's voters favor reorganizing the police force to better serve the needs of San Francisco. Three years ago, Proposition E mandated a reorganization of the police. No plan has been put before the people to carry out that clear mandate.

"The present Police Facilities Proposal is illogical planning, if it is planning at all. First, reorganize the police as mandated, then consider what physical configuration is needed to carry out the results of that reorganization. Form follows function, not the other way around.

"This Council urges the police to invite citizen participation, first in reorganizing the police. Then, and only then, does it make sense to talk about police facilities."

Allan B. Jacobs, Director of Planning, responded to some of the comments made by members of the audience. During the course of the public hearing, three of four basic themes had been expressed. The first theme was that people wish to have more police protection. The second was that people felt that the Police Department should have better relations and better communication with people in the community; however, while police facilities planning could help to some extent to achieve that end, it could never provide the whole answer to the problem. A third theme was that more neighborhood police stations should be constructed even though they would increase the cost of operating the Police Department. A fourth theme was that the plan for reorganization of the Police Department should have been formulated prior to publication of the plan for police facilities. However, as he had stated during the hearing on June 5, the relationship between organizational planning and facilities planning is always "cyclical," with organization having a tendency to change drastically three or four times during the life of a given facility. The message which he got from those facts was that buildings ought to be designed in such a way that they will be flexible and adaptable to organizational changes. He stated that he wished that more members of the public had joined Mr. Roderick in commenting on some of the details of the plan and suggesting features which should be incorporated into any district station regardless of the number of such stations. He advised the audience that the staff of the Department of City Planning would continue to review written comments received prior to July 5; and he indicated that the staff would present its revised recommendations to the Commission at its regular meeting on July 25.

Police Commissioner Cardoza advised the audience that the Police Commission had approved a reorganizational study and had transmitted a request for funding to City Hall; and he indicated that the study would be implemented whevever it is funded.

President Newman asked if a major reorganization of the Police Department was being contemplated. Commissioner Cardoza replied in the affirmative.

Police Chief Donald Scott stated that he was sympathetic to the public desire for retention of nine district stations; however, he emphasized that the district stations should be located properly and that they should contain facilities for community relations activities. Most importantly, the district facilities should be of high quality since the men on the force deserve no less.

President Newman announced that this matter would be taken under advisement until the Commission's regular meeting on July 25, 1974.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

7-74

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 27, 1974.

The City Planning Commission met pursuant to notice on Thursday, June 27, 1974, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; John C. Farrell, Mortimer Fleishhacker, Thomas G. Miller, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Katherine Benziger, Planner II; Ruth Friedlander, Planner II; Paul Rosetter, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Dan Borsuk represented the San Francisco Progress; and Larry Liebert represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Farrell, and carried unanimously that the minutes of the meeting of June 5, 1974, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reminded the Implementation Committee (Commissioners Fleishhacker, Porter, Rueda) of a meeting scheduled on Friday, June 28, at 12:00 noon.

The Director informed the Commission that the City Attorney's Office had advised that financial statements must be filed with the County Clerk during September. The data submitted must be current as of September 1.

The Director informed the Commission that it appears that a slightly modified version of Proposition "C", which would have established an open space acquisition fund, will appear on the November ballot.

At 1:55 p.m. President Newman announced a five minute recess. The Commission reconvened at 2:00 p.m. and proceeded with hearing of the remainder of the agenda. At this point in the proceedings, Commissioner Ritchie arrived in the meeting room and assumed his seat at the Commission table.

CU74.25 - 823 EUCLID AVENUE, SOUTH SIDE, 95 FEET WEST OF PALM AVENUE. REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 8 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. He stated that the facility, which is operated by the San Francisco Boys Home, currently has 8 boys living in it. It has been in operation 1 1/2 years and has no record of having caused problems. At the preliminary hearing, which was held on May 29, the applicant and one additional person had spoken in favor of the proposal. Two people, speaking neutrally, had expressed concern as to the matter of operation. Two petitions from property owners within a 300 foot radius of the subject property had been filed with a total of 16 signatures in support of the facility; and one letter had been received from the Jordan Park Association stating that approximately 50 neighbors have voted to oppose the facility at a neighborhood meeting which was held in their area. In addition to the support which had been expressed for this specific facility, the Department of City Planning had received 28 letters generally supporting all four of the facilities presently operated by the San Francisco Boys Home. Petitions had also been submitted with 27 signatures of neighbors of two of the organization's existing facilities supporting all four facilities which appeared on today's Commission agenda. In addition, four persons had spoken at the preliminary hearing in general support of all four of the applications. Mr. Steele recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman called for a show of hands of individuals present in the audience in support of the application; and a number of people responded. He then asked for a show of hands of those in opposition to the application and received no response.

Commissioner Porter asked if a representative of the Jordan Park Improvement Association was present and received no response. She then asked if any of the people who were present in support of the application were also members of the Jordan Park Improvement Association. Again the response was negative.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7189 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.26 - 750 33RD AVENUE, EAST SIDE, 275 FEET NORTH OF CABRILLO STREET. REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 8 PERSONS; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject

property. He indicated that the existing facility, which is operated by the San Francisco Boys Home, currently has eight boys in residence. He stated that it has been in operation for 1 1/2 years and has no record of having caused problems. At the preliminary hearing, which was held on May 29, two persons had spoken in opposition to the application, one because the property is zoned R-2 and the other because of a fear that the present use of the facility would cause property values in the area to rise. A petition had been filed with nine signatures of residents within a 300 foot radius of the subject site in support of the application; and three letters had been received in opposition. In addition, as he had noted during the hearing on the previous case, a number of individuals had expressed their general support for all four of the facilities operated by the San Francisco Boys Home which appeared on the Commission agenda. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. O'Brien, representing the applicant, replied in the affirmative.

Marvin Mizis, 25 Chabot Terrace, spoke in opposition to the subject application, not because he was opposed to the specific facility under consideration but because the subject property is located in an R-2 district. He stated that he was opposed to a facility being proposed in an R-2 district at 2877 Turk Street; and he felt that he should speak in opposition to the application presently under consideration because failure to do so might amount to a waiver of his right to object later to action being taken later on the application involving the Turk Street property. He advised the Commission that Section 203.2 of the City Planning Code specifies the uses which may be considered as conditional uses in R-2 districts; and, since that section of the Code contains no reference to residential care facilities, he thought that it was clear that the Commission could not hear or grant applications for such uses in R-2 districts. He stated that he had been advised by Mr. Steele that the previous Zoning Administrator had made a determination ten years or more ago that residential facilities can be considered as conditional uses in R-2 districts; but he had not been furnished with a copy of that ruling. In any case, the Board of Supervisors had acted in July, 1964, to amend Section 203.2 of the City Planning Code; and Residential Care Homes had not been included in that amendment.

Mr. Steele stated that Section 307(a) of the City Planning Code gives the Zoning Administrator responsibility for interpreting the provisions of the Code. In accordance with that provision, his predecessor, Mr. Fisher, had determined that residential care homes could be considered as conditional uses in R-2 districts; and he indicated that he had seen fit to sustain that interpretation.

Commissioner Fleishhacker asked how many cases involving residential care homes in R-2 districts had been acted upon by the Commission during the past ten years. Mr. Steele estimated that the Commission may have acted on 40 or 50 such cases during that time.

Commissioner Fleishhacker then asked if the interpretation of the Zoning Administrator had been challenged. Mr. Steele replied in the negative. He also advised the Commission that the City Attorney's Office was aware of the interpretation which had been made by the Zoning Administrator and had indicated its support of that position.

No one else was present in the audience to speak in opposition to the subject application.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7190 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.27 - 4645 CALIFORNIA STREET, SOUTH SIDE, 55 FEET EAST OF 9TH AVENUE.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 8 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. He stated that the subject facility, which is operated by the San Francisco Boys Home, currently has an occupancy of eight boys. It has been in operation one year and has no record of having caused problems. At the preliminary hearing, which was held on May 29, one person in addition to the applicant had spoken in support of the application. No one had spoken in opposition. A petition had been filed with seven signatures from neighbors supporting the facility; and, in addition, a number of people had expressed their general support for all four of the facilities operated by the San Francisco Boys Home which appeared on today's Commission agenda. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

President Newman asked if the conditions which had been recommended by Mr. Steele would be satisfactory to the applicant. Mr. O'Brien, representing the applicant, replied in the affirmative. There was no one present to speak in opposition to this application.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7191 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.28 - 2877 TURK STREET, SOUTH SIDE, 75 FEET EAST OF PARKER AVENUE. REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 8 PERSONS; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. He stated that the existing facility, which is operated by the San Francisco Boys Home, currently has an occupancy of six boys. He indicated that the facility has been in operation for approximately 2 1/2 months and has no record of having caused any problems. At the preliminary hearing, which was held on May 29, six individuals had spoken in opposition to the facility, claiming that the use would have a detrimental effect on the subject neighborhood which exists as a "virgin island" of R-2 residential development surrounded by institutional uses. A total of sixteen letters and a petition with six signatures had been filed by neighbors specifically supporting the facility; and seventeen letters and a 123 signature petition had been filed opposing the facility. In addition, a number of people had indicated a general support for all four of the facilities operated by the San Francisco Boys Home which appeared on today's Commission agenda. Mr. Steele stated that the present occupancy by six boys is a legal permitted use in an R-2 district; however, since the applicant intended to house eight persons in the facility, the conditional use authorization would be necessary. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

Edward J. Nevin, Attorney for the applicant, stated that he would waive his right to make a presentation at this point; however, he asked that he be given the right to respond to comments made by individuals speaking in opposition to the application if he so desired.

Marvin Mizis, 24 Chabot Terrace, stated that he was speaking for a group of neighbors who reside in the subject neighborhood. The area is known as University Terrace; and he regarded it as somewhat of an "ecological island". He indicated that people whom he represented were familiar with the work of the San Francisco Boys Home; and, as citizens and residents, they supported the work of that organization. However, while they did not oppose the function of the organization, they were opposed to the continued existence of the subject facility since they felt that it was improperly located. While the San Francisco Boys Home might feel that the subject building is suitable for their needs, residents of the neighborhood were of the opinion that the location is not suitable because of the effect which the facility could have on the neighborhood. While Mr. Steele had advised the Commission that the present occupancy by six people is legal, he disagreed; and he felt that occupancy by six individuals should require conditional use authorization, also.

Commissioner Fleishhacker asked Mr. Mizis if he felt that a conditional use authorization would be required even if the facility were to house only one or two boys. Mr. Mizis replied in the affirmative. While State

legislation had been passed which specifies that care homes for 6 persons or less cannot be prohibited, that legislation had not taken away the city's right to follow its own procedures in approving such uses; and he believed that the City Planning Code requires Conditional Use authorization even for residential care facilities housing 6 or less people.

Mr. Steele stated that he had determined, in conjunction with the City Attorney's Office, that no Conditional Use authorization is required for residential care facilities for 6 people or less in R-1-D, R-1, and R-2 districts.

Commissioner Ritchie observed that a number of letters had been received in support of the subject application; and he proceeded to read portions of letters which had been received from Benjamin H. Swig and from Archbishop Mc Gucken of the San Francisco Archdiocese. He noted that no complaints had been registered regarding the operation of the facility; and, under the circumstances, he failed to understand the reason for Mr. Mizis opposition to the application.

Mr. Mizis replied that he did not in any way question the value of the work which is being done by the San Francisco Boys Home; and he indicated that individuals who were opposing the subject application because of the location of the facility had supported other applications which had been filed by the organization. He acknowledged that there were letters from a number of prominent individuals in support of the application; but he emphasized that no letters of support were on file from individuals who reside in the subject neighborhood.

Commissioner Porter advised Mr. Mizis that the Commission had received a letter in support of the subject application from a realtor who lives on Turk Street in the same block in which the subject facility is located.

Thor Firing, 55 Temescal Terrace, stated that he objected to the applicant's proposal for a number of reasons. He advised the Commission that University Terrace is a residential "island" surrounded by institutional uses; and, like other islands, the neighborhood has a very fragile ecology. He stated that the neighborhood is primarily single-family residential in character with 68.4% of the 144 structures in the area being single-family dwellings, 32.4% of the buildings being flats and 2.8% of the buildings being apartments; and only one of the apartment buildings is located in the R-2 portion of the neighborhood. He indicated that residents of the neighborhood had adapted themselves to a continual flow of students; but they continued to look forward to peace and quiet on evenings and on weekends. Having adapted to that point, they would very strongly resent any influence which might upset the balance which has been achieved. He stated that he had chosen to purchase property in the subject neighborhood because it is a desirable place to live; and he felt that the quality of the neighborhood would be upset by any conditional use authorization which might be granted by the Commission.

Commissioner Fleishhacker stated that he had received a letter from Mr. Firing which had been typical of many of the letters which he had received. The two basic points which were made in the letter was that any change would be undesirable and that approval of the subject conditional use would inevitably lead to granting of additional conditional use authorizations in the future; however, no reasons had been given for those opinions. Furthermore, the letter had stated that the Zoning Ordinance requires applicants to demonstrate that a proposed conditional use is both necessary and desirable for a neighborhood; but the actual wording of the Code is that a showing must be made that the development is necessary or desirable for, and compatible with, the neighborhood or the community. He observed that it was obvious that Mr. Firing had misquoted the Code in such a way as to favor his position.

Mr. Firing acknowledged that he had incorrectly substituted the word "and" for the word "or"; however, the distinction between the words "neighborhood" and "community" was still unclear to him.

Commissioner Fleishhacker observed that it was apparent that Mr. Firing had made no distinction between the words "neighborhood" and "community"; however, the Commission's interpretation of the language was that the "community" is something larger than the "neighborhood".

Mr. Firing stated that his sentiments remained the same even though he might have misquoted City Planning Code; and he felt that approval of the subject application would put pressures on the neighborhood for future approval of conditional use applications for fraternities, boarding houses and other similar types of uses which could be most detrimental to the area. Furthermore, he believed that it would be difficult for the applicant to demonstrate that the proposed facility would be necessary or desirable for the neighborhood.

Commissioner Porter remarked that no complaints had been registered against the facility while it has been occupied by 6 boys; and she emphasized that approval of the subject application would authorize only 2 additional boys to be housed in the building.

Mr. Firing replied that the facility has been in existence for only a short time.

President Newman asked if the facility had influenced the ecology or the environment of the neighborhood during the two and one-half months that it has been in existence. Mr. Firing replied that he believed that the facility had threaten the neighborhood by establishing a precedent; however, he indicated that he lives too far away from the facility to have been bothered by any noise which it might had generated.

Commissioner Farrell asked Mr. Firing if he felt that the neighborhood would be threatened if a large family were to move into the area. After Mr. Firing had replied in the negative, Commissioner Farrell asked how a

home with 8 boys in residence would be different from a large family. Mr. Firing replied that he was more concerned about the actual precedent which would be established rather than the use itself.

Mr. Mizis emphasized that residents of the neighborhood were not objecting to the nature of the proposed use or to the operation of the existing facility. He stated that the use is basically desirable; and he confirmed that the neighborhood had not had nor did it expect to have any trouble from the facility. The San Francisco Boys Home hires competent staff people; and he felt that it was possible that they might control their boys better than some parents. The opposition of the neighborhood was based on the fact that approval of the subject application would act as a "wedge" for approval of similar uses in the future which would tend to break up the neighborhood.

Clarence R. Stern, 35 Roselyn Terrace, stated that he had no objections to the purposes and intent of the San Francisco Boys Home. However, he noted that most of the applications being considered by the Commission involved R-3 districts; and he did not feel that such facilities should be located on properties which are zoned R-2. He remarked that it has been the policy of the Commission to "down-zone" residential neighborhoods and to narrow the uses which are permitted in such areas in order to protect the quality of the city's neighborhoods; and he remarked that it is facilities such as the one presently being considered which causes neighborhoods to deteriorate, encouraging people to leave the city for the suburbs. He stated that the subject neighborhood is centrally located and well maintained and has retained its value; and he believed that the quality of the neighborhood would be threatened by approval of the subject application. Once dwellings are used for other purposes, they are never restored to their original use; and he believed that the house on the subject property would never again be used for residential purposes if the subject application were to be approved. Furthermore, if the application were to be approved, the value of the subject property would increase tremendously while the value of adjoining properties would be depressed. As a result, present residents of a neighborhood would move to other areas; and the quality of the neighborhood would deteriorate. He urged that the integrity of the R-2 zoning district be preserved and that the subject application be disapproved.

Commissioner Rueda emphasized that the issue before the Commission concerned boys who have a right to live in a decent environment. While Mr. Stern had stated that he supported the work of the San Francisco Boys Home, he had objected to the facility in his own neighborhood; yet, the facility would not change the zoning of the property or visibly affect the character of the neighborhood or even of the house being occupied by the boys.

Mr. Stern stated that he did not object to the proposed facility per se; however, he opposed the granting of a conditional use authorization for the facility because he believed that the granting of such an authorization would open the door for approval of similar authorizations in the future.

Commissioner Ritchie remarked that it was of no significance to him whether the subject property were zoned R-2 or R-3; and he indicated that he would not object to location of the subject facility in an R-1 district as long as the facility is properly operated and as long as the boys housed in the facility are well cared for. In fact, he would welcome such a facility into his own neighborhood.

Mr. Mizis stated that he was not opposed to improving the lot of unfortunate boys; however, residents of the subject neighborhood, who have a sizable investment in the area, were appealing to the Commission to protect their small neighborhood from the particular use presently under consideration. He observed that the Department of City Planning's Urban Design Plan had stated that "San Francisco draws much of its strength and vitality from the quality of its neighborhoods"; and he emphasized that 123 residents of the subject neighborhood had petitioned the Commission to disapprove the subject application. He felt that the applicant had not borne the burden of proving to the Commission that the proposed use would satisfy the criteria established for conditional uses in Section 303 of the City Planning Code. The first of those criteria was that the proposed use be found necessary and desirable for, and compatible with, the neighborhood or the community; and he pointed out that 123 petitioners were of the opinion that the proposed use would not be compatible with their neighborhood. The second criteria was that the use should not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity; and residents of the subject neighborhood felt that approval of the subject application would inevitably change the character of the neighborhood by establishing a precedent for future approval of proposals to use single family homes in the area for fraternities, offices, etc. The third criteria was that the use should comply with the applicable provisions of the City Planning Code and that it should not adversely affect the Master Plan; and he observed that the proposed use would not comply with the City Planning Code unless the Commission should grant the Conditional Use Authorization being requested.

Edward J. Nevin, Attorney for the applicant, emphasized that both the Zoning Administrator and the City Attorney's office had taken the position that the Commission could legally authorize the proposed use in an R-2 district. Furthermore, he felt that State law clearly makes the present occupancy of the facility by 6 boys legal even though that law would allow the Commission to establish conditions to govern the operation of the facility. He felt that the "domino theory" of rapid change in the neighborhood which would be generated by approval of the subject application should be disregarded; and, unless residents of the subject neighborhood could demonstrate that their neighborhood is unique from other neighborhoods of the city, their position that the use is good but that the location is wrong should be regarded as untenable. He advised the Commission that the San Francisco Boys Home had changed from a large operation into an operation housed in smaller facilities in order to avoid the unnatural atmosphere of a large institution; and the present goal of the organization is to place needy boys in homes which have a family environment. He stated that there was no indication

that the subject facility in any way threatened the neighborhood in which it is located; and he remarked that opponents to the application had not made a showing that the facility would be a threat to the area.

Commissioner Fleishhacker, noting that a statement had been made by opponents to the application to the effect that a considerable amount of money would have to be spent to remodel the building for the proposed use and that the nature of the remodeling would be such that the building could never be reconverted for single family occupancy, asked what type of remodeling would actually be required.

Another representative of the applicant who was present in the meeting room replied that State law requires the installation of a "life safety system" in residential care facilities. Such a system involves the installation of solid-core doors and sprinklers, but it does not inherently change the nature of the building. In reply to a further question raised by Commissioner Fleishhacker, he stated that installation of the "life safety system" would cost $10,000 or $12,000.

Murray Friedling, 2853 Turk Boulevard, advised the Commission that the subject neighborhood is unique in one aspect which had not yet been mentioned, i.e., it has no other children of the same age as those who would be residing in the proposed facility. Under the circumstances, he felt that it would be better for the facility to be located in an area where the boys could meet their peers.

President Newman, observing that one of the principal objections to the proposed use was that it would be located in an R-2 district, asked how many residential care homes have been approved as Conditional Uses in R-2 districts by the Commission in the past. Mr. Steele replied that most of the residential care homes which have been approved by the Commission have been located in R-2 districts. A sizable number of such facilities have also been approved in R-3 districts.

President Newman then stated that he had been given a map by the staff of the Department of City Planning which showed the location of 400 residential care homes in San Francisco; and he asked how many of those homes are located in R-2 districts. Mr. Steele replied that approximately 50% of the homes shown on the map are located in R-2 districts.

Mr. Mizis remarked that residential care homes may house elderly, mentally retarded, or other types of individuals; and he felt that a more pertinent consideration would be the number of residential care homes for boys ranging in age from 13 to 18 years which had been approved by the Commission in R-2 districts.

Mr. Steele stated that he did not know the specific number of such facilities which had been approved by the Commission in R-2 districts; however, he noted that the Commission had approved such a facility earlier in the afternoon.

Commissioner Porter moved that the application be approved subject to the conditions which had been recommended by Mr. Steele. She stated that she had long been familiar with the problems faced by the subject neighborhood, such as parking congestion; and she indicated that she would have been more sympathetic to those who had spoken in opposition to the application if the proposed facility were to be located in the middle of a very charming single-family residential area. However, she pointed out that the subject facility is located on Turk Boulevard, an 80 foot wide street; and Lone Mountain College is located on the opposite side of the street. The Commission had been advised by the City Attorney's office that the present operation with 6 boys could continue to exist as a principle permitted use; and, as a result, the real issue before the Commission was whether permission should be granted to increase the occupancy of the facility to 8 boys. She felt that the conditions which had been recommended by Mr. Steele would provide adequate protection for the neighborhood; and she noted that the Conditional Use authorization could be terminated if those conditions should be violated. In the meantime, she believed that the boys being cared for by the San Francisco Boys Home should have the right to live in a pleasant environment just like anyone else.

The motion was seconded by Commissioner Ritchie.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Resolution No. 7192 and to approve the application subject to the conditions which had been recommended by Mr. Steele.

CU74.13 - 207 MIRAMAR AVENUE, WEST SIDE 50 FEET NORTH OF HOLLOWAY AVENUE.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 8 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He advised the Commission that the existing facility, which is operated by Doreen Herbert, currently houses 8 persons. The facility has been in existence for more than 8 years and has no record of having caused any problems. At the preliminary hearing, which was held on June 12, there were three persons in support of the application and three persons present in opposition to the application. Those who spoke in opposition to the application felt that the subject neighborhood has too many residential care homes already. Two letters had been received by the Department of City Planning which expressed concern about any increase in the number of residential care facilities in the neighborhood. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions he recommended adoption of the draft resolution.

Margaret Thornberry, 221 Miramar Avenue, asked if she were correct in her understanding that the Commission could not place any limit on the number of residential care homes with 6 or less occupants in the subject neighborhood. Mr. Steele replied that the Commission does not have any control over

the number of residential care facilities housing 6 or less people. However, the Commission had developed guidelines to be followed when facilities for a larger number of people are being considered; and the Commission would be reluctant to approve new facilities in neighborhoods were a large number of facilities already exist.

Mrs. Thornberry then asked about the number of residential care facilities which presently exist within two blocks of the subject site. Mr. Steele replied that the staff of the Department of City Planning was aware of only five facilities in that two block area.

Mrs. Thornberry estimated that there are already between 35 and 40 people living in residential care homes in the area; and, while she had no specific objection to the particular facility presently under consideration, she felt that the Commission should be aware that the number of such facilities in the area is reaching a saturation point.

President Newman asked if the area is represented by a neighborhood organization. After Mrs. Thornberry had replied in the negative, he suggested that residents of the area would find the staff of the Department of City Planning very helpful if they should decide to organize. He also suggested that they should make their concerns known to OMI.

Mr. Steele advised the Commission that the staff had reached an understanding with the State Licensing Bureau that the licensing of additional residential care homes in the subject neighborhood would not be desirable.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7193 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.32 - 863 OCEAN AVENUE, SOUTH SIDE, 140 FEET EAST OF GENEVA AVENUE.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 8 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Lee and Carrie Williams, currently has an occupancy of 8 persons. He stated that the facility has been in existence since 1965 and that it has no record of having caused any problems. At the preliminary hearing, which was held on June 12, the applicant was the only interested party present. No letters had been received by the Department of City Planning on this matter. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

President Newman asked if the conditions which had been recommended by Mr. Steele were acceptable to the applicant. Mr. Williams replied in the affirmative.

No one was present to speak in opposition to the application.

After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7194 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.33 - 265 LEE AVENUE, WEST SIDE, 94.4 FEET SOUTH OF OCEAN AVENUE.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 10 PERSONS; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Robert and Mertle Harmon, currently has an occupancy of 10 persons. The facility has been in operation since 1970 with no record of having caused problems. At the preliminary hearing, which was held on June 12, three persons were present in support of the application in addition to the applicant. No one was present in opposition. The staff of the Department of City Planning had received one letter objecting to any additional residential care facilities in the area.

He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Harmon replied in the affirmative.

No one was present to speak in opposition to the applicantion.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7195 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.12 - 1684-86 KIRKWOOD AVENUE, NORTHEAST SIDE, 50 FEET SOUTHEAST OF PHELPS STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 12 PERSONS; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facil-

ity, which is operated by Helen Hall, currently has an occupancy of 12 persons. The facility has been in operation for five years and has no record of having caused problems. At the preliminary hearing, which was held on June 12, no one was present except the applicant. No letters had been received on this matter. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mrs. Hall replied in the affirmative.

Commissioner Fleishhacker observed that the subject property is smaller than most of those which had been considered earlier in the afternoon; yet, whereas most of the previous facilities would be occupied by 8 individuals, the one presently being considered would have an occupancy of 12 people. Under the circumstances, he was concerned about the possibility that the subject facility might be reaching a saturation point. Mr. Steele advised the Commission that the State Licensing Bureau sets standards for the amount of square footage which must be available in residential care facilities.

After further discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7196 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.18 - 5922 CALIFORNIA STREET, NORTH SIDE, 95 FEET WEST OF 21ST AVENUE.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 9 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by the Charila Foundation, currently has an occupancy of 9 girls. The facility has been in operation since 1971 and has no record of having caused trouble. At the preliminary hearing, which was held on May 29, one person had been present to speak in opposition to any expansion of the facility. Two letters had been received in support of the application; and two letters had been received in opposition to the proposal. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Porter asked about the age of the girls housed in the facility. Mr. Steele replied that the girls range in age from 15 to 18 years.

No one was present to speak in opposition to the application.

After discussion it was moved by Commissioner Porter seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7197 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.19 - 4738 FULTON STREET, NORTH SIDE, 57.5 FEET EAST OF 24TH AVENUE.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 9 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by the Charila Foundation, currently has an occupancy of 9 girls. The facility has been in operation since 1969 and has no record of having caused problems. At the preliminary hearing, which was held on May 29, no one was present other than the applicant. Two letters had been received in support of the application; and two letters had been received in opposition to the proposal. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

No one was present to speak in opposition to the application.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. A representative of the applicant replied in the affirmative.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7198 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.20 - 281 17TH AVENUE, WEST SIDE, 103.917 FEET NORTH OF CLEMENT STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 9 PERSONS; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by the Charila Foundation, currently has an occupancy of 9 girls. It has been in operation since 1968 and has no record of having caused problems. At the preliminary hearing, which was held on May 29, no one was present other than the applicant. Two letters had been received in

support of the application; and one letter had been received in opposition to the proposal. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Fleishhacker observed that the Charila Foundation, which cares for girls, houses 9 girls in its facility whereas the San Francisco Boys Homes houses only 8 boys in each of its facilities; and he wondered if there were anything significant about the difference in those numbers. A representative of the Charila Foundation replied that his organization has fewer facilities than the San Francisco Boys Home; and, as a result, the additional child in each facility is important to their economics. Furthermore, by taking 9 girls into each of their facilities, they increase the likelihood that a "core group" will be left whenever some of the girls are required to leave the facility. In reply to a further question raised by President Newman, he stated that girls are required to leave the facility when they have become 18 years of age, when they have graduated from high school, and are employable.

After further discussion, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7199 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.23 - 1916 BRODERICK STREET, EAST SIDE, 77.5 FEET SOUTH OF SACRAMENTO STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 21 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Betty Schular, currently is occupied by 21 men. The facility has been in existence since 1968. Prior to the time that public notice was given that the subject application was to be considered, there was no record that the facility had created any problems. However, at the preliminary hearing, which was held on May 29, ten persons had spoken in opposition to the application, citing cases of pan-handling and littering and expressing fear of the clients. Two persons had spoken in support of the application at that hearing. The staff had received six letters and a petition with 24 signatures in opposition to the facility.

Rhoda Pierson, Chairman of the Society of California Caretakers Organization Inc., stated that her organization had not been aware of any complaints about the subject facility prior to the hearing which was held by Mr. Steele on May 29. However, having been made aware of the complaints, they felt a responsibility to find out if the complaints were valid. She had sent out 41 letters to residents of the neighborhood asking them to

attend a meeting in the area; and she felt that the results of the meeting had been very favorable. The members of her organization realized that things such as pan-handling should not take place in a residential neighborhood; and they hoped that they had resolved some of the problems which had been associated with the subject facility. She advised the Commission that the applicant had spent $30,000 to install a complete sprinkler system in the building; and she indicated that the facility is in compliance with all State and City codes. She urged that the application be approved; and she promised the Commission that her organization would continue to work with the applicant to resolve any problems which might arise in the future. If the application were to be disapproved, the clients residing in the building would have to be relocated; and, in view of the fact that the facility has been in operation for 8 years, she felt that it would be most unfortunate to have to relocate the men at this time.

Commissioner Porter remarked that members of the Commission had taken a field trip to the site; and she indicated that she was interested to know how it was possible to house 21 people in the subject building. She asked if the facility meets State floor space requirements. Mrs. Pierson replied in the affirmative and advised the Commission that the State requires that 100 square feet of floor space be available in single rooms and that 140 square feet of space be available in rooms which are occupied by two people.

Charles Turner stated that he was aware of the concerns which had been expressed by residents of the neighborhood about the subject facility; however, with the right sort of rapport from the neighborhood, and with good administration, he felt that the problems could be solved.

Sherri Johnson, representing the Health Committee of the Haight Ashbury Community Development Corporation, submitted the following resolution which had been adopted by her committee:

"WHEREAS The applicant board-and-care and residential care facilities in the Haight-Ashbury and Western Addition have been operating for long periods of time in a generally successful manner; and

"WHEREAS This community is in need of such services and facilities; and

"WHEREAS The operators of these facilities have expressed their interest in cooperating with community groups and individuals for the betterment of their services and to promote better health care for this community; and

"WHEREAS It is recognized that the issue is a matter of concern to the entire city and deserves the attention of the City government and other area-wide agencies and institutions,

"BE IT RESOLVED that the Health Committee of the Community Development Corporation, Inc. supports the granting of conditional use permits to the applicant board and care and residential care facilities appearing before this Commission today, June 27, 1974. Be it further resolved that the CDC Health Committee requests the City and County of San Francisco to direct the appropriate agencies of City government to support the delivery of more comprehensive health and social services to the residents of these facilities, and make attempts to ameliorate unfavorable conditions caused by lack of services and support."

Bea Stevens, a Social Worker for the Westside Social Care Program, informed the Commission that her organization visits the subject facility one day each week in order to provide recreational activities and rehabilitation services for the clients; and, as a result of the meeting which had been held with residents of the neighborhood, her organization had expressed its willingness to intensify its activities in the facility and to be more careful about the type of clients which are being referred to the facility.

Camile Heard, a Community Health Coordinator in the Haight Ashbury, stated that some people had voiced the opinion that there are too many residential care facilities in the Haight-Ashbury district; however, she felt that there was an overwhelming support in the neighborhood for retention of those facilities.

Dr. William Dunlop, representing the After Care Agency, stated that his organization has a relatively new treatment program and that it takes clients on outings; and he believed that his organization could develop an effective program with the operator of the subject facility.

Commissioner Fleishhacker stated that he was concerned about the density of the subject facility; and he wondered if there was any correlation between the amount of space available for each individual and client improvement. Dr. Dunlop replied that many variables affect the improvement process. While he personally felt that smaller residential care homes are easier to work with, he observed that that option was not available at the present point in time.

James H. Haden, 1902 Broderick Street, stated that he had been dubious about the subject facility's capability of handling 21 men; however, after he had attended the meeting which had been called by Mrs. Pierson, he had decided to lend his support to the application contingent upon fullfillment of the promises which had been made at that meeting.

A resident of 1645 Waller Street stated that he works with a group of people who are concerned about the problems faced by the occupants of residential care homes; and, while they acknowledged that some of the homes are lacking in certain respects, they felt that the situation faced by the clients would be considerably more oppresive if the facility should have to be closed because they could not obtain conditional use authorization from the Commission.

Leonard Greenstone, 2920 Sacramento Street, advised the Commission that most of the people who live in single-family houses were not invited to the meeting which had been called by Mrs. Pierson; and, while plans might have been made for improving conditions in the facility, they had not yet seen the results of those efforts. Residents of the facility are still drinking in other people's doorways because they have nothing else to do. He did not doubt that the operator of the facility was making an effort to improve the situation; however, he expected that it would be difficult to change the habits of 21 individuals.

Bobby Bremby, representing the applicant, stated that only 15 men are living in the facility at the present time. He confirmed that only people who had previously indicated opposition to the facility were invited to the meeting which was called by Mrs. Pierson; however, prior to the hearing which had been held by Mr. Steele, the applicant had sent letters to everyone within a 300-foot radius of the property to advise them of the hearing. He stated that he had taken the position that any of the residents of the facility who could not be made to change their bad habits would be asked to leave the facility.

Mr. Steele remarked that a great many people had appeared in opposition to the subject application during the preliminary hearing which he had held on May 29; and he noted that there had been considerably less opposition at the present hearing, probably because of the promises which had been made by the applicant to solve the problems which the facility has caused in the neighborhood. Under the circumstances, he felt that it might be appropriate for the Commission to approve the application, subject to conditions, for a period of one year in order to see whether the problems can, in fact, be resolved. Therefore, he recommended the adoption of a draft resolution of approval which contained 8 specific conditions. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Porter asked how long the subject facility has been in operation. Mr. Steele replied that the facility has been in operation for seven years; however, no complaints had been received from residents of the neighborhood until recently.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mrs. Schular replied in the affirmative.

Commissioner Fleishhacker stated that he was concerned about the fact that the subject facility, which houses 21 people, has no indoor recreational facilities; and he wondered if the Commission should add an additional condition to the draft resolution which would address itself specifically to the concerns which had been raised by residents of the neighborhood.

Allan B. Jacobs, Director of Planning, felt that approval of the application as recommended by Mr. Steele for a period of one year would give the Commission an opportunity to determine whether the facility can be operated properly with a population of 21 individuals. He stated that he had previously been prepared to recommend that the subject application be disapproved; however, because of the very considerable progress which had been made in meeting the concerns of residents of the neighborhood, he had decided to recommend that the application be approved for one year. In conclusion, he noted that the authorization could be terminated within the year if the facility should continue to cause problems in the area.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7200 and that the application be approved for one year subject to the conditions which had been recommended by Mr. Steele.

At 4:25 p.m. President Newman announced a recess. The Commission reconvened at 4:35 p.m. and proceeded with hearing of the remainder of the agenda.

President Newman was absent from the meeting room for the remainder of the meeting; and Vice-President Porter assumed the chair. Commissioner Ritchie was temporarily absent from the meeting room.

CU74.16 - 2860 HARRISON STREET, WEST SIDE, 120 FEET NORTH OF 25TH STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 15 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is owned by Ernestine Caotillon, presently has an occupancy of 15 persons. The facility has been in operation for over seven years and has had no record of having caused problems. At the preliminary hearing, which was held on June 12, the applicant's granddaughter had submitted a letter in support of the facility which had been signed by 10 area merchants. She had also submitted a note from the parish priest. No other interested parties were present. The Department of City Planning had received three additional letters inquiring as to the nature of the facility. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended adoption of the draft resolution.

No one was present to speak in opposition to the application.

After discussion it was moved by Commissioner Miller, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7201 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.35 - 3000 26TH STREET, NORTHWEST CORNER AT FLORIDA STREET. REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 12 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the proposed facility, which would be operated by Jessie Johnson, would be a new facility with 12 persons and would replace the facility operated by the applicant on 19th Street for the past 8 years where there had been no record of any problems. At the preliminary hearing, which was held on June 12, two individuals had spoken in opposition to the application, suggesting that the facility was not appropriate because of its stairs. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

During the course of Mr. Steele's presentation, Commissioner Ritchie returned to the meeting room and reassumed his seat at the Commission table.

No one was present to speak in opposition to the subject application.

Commissioner Fleishhacker, noting that this was the first new facility to be considered by the Commission during the current hearing, asked if the neighborhood in which the facility would be located is becoming impacted with such uses. Mr. Steele replied in the negative and indicated that he was of the opinion that the proposed facility would meet the guidelines for new residential care homes which was adopted by the Commission.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Miller, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7202 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.8 - 2056 GROVE STREET, NORTH SIDE 181.25 FEET EAST OF COLE STREET. REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 14 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Julia Gilbert, currently has an occupancy for 14

persons. The facility had been in operation for four years with no record of problems. At the preliminary hearing, which was held on June 12, one person was present to speak in support of the application and one person was opposed to having mentally ill persons in his neighborhood. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

No one was present to speak in opposition to the application.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7203 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

Mr. Steele advised the Commission that the next five applications requested authorization for residential care facilities in the Haight Ashbury district; and he indicated that statements in support of all five facilities had been made at the preliminary hearing on June 12 by the Haight Ashbury Neighborhood Council, the Network Against Psychiatric Assault, a psychiatric social worker involve in the area, and one private citizen.

CU74.15 - 1780 FELL STREET, NORTH SIDE, 28.25 FEET EAST OF ASHBURY STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 36 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Edward and Nettie Ramos, currently has an occupancy of 36 men. It has been in operation for nine years with no record of having caused problems. At the preliminary hearing, which was held on June 12, the applicant was the only individual to address himself specifically to this application. The Department of City Planning had received six letters in support of the application and three letters in opposition to the proposal. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

J. Russell Wherritt, owner of property located at 1730 Fell Street, stated that he was concerned about the density of the subject facility; furthermore, he felt that the clients which had been selected for the facility were less than desirable. He advised the Commission that it is possible to drive by the facility at almost any hour of the day or night and see people lying or sitting in front of the building, drinking wine, etc.; and he did not feel that such practices were contributing to the upgrading of the

neighborhood. If the application were to be approved, he suggested that the Commission should establish a condition requiring that indoor recreational facilities be provided.

Commissioner Fleishhacker noted that the Commission had approved a previous application for a period of only one year in order to see whether certain problems associated with that facility could be improved; and he remarked that the same approach could be taken in the present case.

Edward Ramos, the operator of the subject facility, stated that he owns a bus; and he advised the Commission that his clients are afforded ample recreational opportunities. In fact, he indicated that he had taken residents of the facility to Disneyland and to Hawaii.

Commissioner Ritchie asked Mr. Ramos if he felt that a one year time limit on the Commission's approval of the application would be useful in trying to get the clients to restrain their activities in front of the building. Mr. Ramos replied that he does not allow is clients to drink anything except Coca Cola outside of the building. He remarked that only one individual had testified to the contrary; and he advised the Commission that he could obtain signatures from a number of people in the neighborhood in support of the application.

Allan B. Jacobs, Director of Planning, stated that the staff of the Department of City Planning was not aware that the subject facility had generated problems similar to those which had been generated by the Broderick Street facility. In fact, when the staff had first taken a trip to the site, they had actually assumed that the facility was located in another building which had more people out front. He stated that the staff was not aware that the facility had caused any problems; and, for that reason, they had not recommended that the Commission's approval be limited to one year.

Mr. Steele confirmed that the difference in public response between this facility and the Broderick Street facility during the preliminary hearing had been as different as "night and day". The subject facility had received a great deal of support from the neighborhood.

Commissioner Porter observed that the Conditional Use Authorization could be revoked if it should be abused.

Commissioner Fleishhacker moved that the application be approved subject to the conditions recommended by Mr. Steele, indicating that he did so with the understanding that the Commission would have the right to revoke the authorization if problems should develop. The motion was seconded by Commissioner Rueda.

When the question was called the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7204 and to approve the application subject to the conditions which had been recommended by Mr. Steele.

CU74.24 - 1640 HAYES STREET, NORTH SIDE, 162.50 FEET WEST OF LYON STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 30 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is owned by Arnold Gridley, currently has an occupancy of 28 persons. The facility has been in operation for seven years with no record of having caused problems. No one had been present to testify on this application during the preliminary hearing which was held on June 12; and the Department of City Planning had received no letters concerning the application. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

No one was present to speak in favor of or in opposition to the subject application.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7205 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.17 - 101 BUENA VISTA AVENUE EAST, SOUTHEAST CORNER OF WALLER STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 32 PERSONS; IN AN R-4 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Walden House, currently has a capacity of 32 persons. It has been in operation for over four years with no record of problems. At the preliminary hearing, which was held on June 12, one person had spoken in support of the application and four persons had spoken in opposition, citing the vehicles parked on the sidewalks and open garbage containers in the front of the building as reasons for their opposition. No letters had been received concerning the application. He believed that the problems which had been mentioned at the preliminary hearing had been resolved; and he recommended that the application be approved subject to eight specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions he recommended that the draft resolution be adopted.

Keith Mathews, Administrator of Walden House, stated that he had nothing to add to the comments which he had made during the preliminary hearing.

Mrs. Adolfo de Urioste, owner of property at 189 Buena Vista Avenue East, stated that she had no objections to having a Walden House facility in the subject neighborhood; however, she felt that occupancy of the house which was built in 1902 for a family of six by 32 individuals was excessive; and she believed that occupancy by approximately 16 people would be more suitable. She stated that that neighborhood had experienced problems with the garbage cans from the facility; but that problem, as well as others, had been resolved. She noted that the neighborhood had been the subject of a FACE rehabilitation program under which property owners were required to bring their buildings up to code standards; and, under the circumstances, the untidy situation which had been created by the facility had seemed unfortunate. She stated that she was also concerned about the safety of the building which is a four story structure with only two exits; and she did not feel that the two exits were sufficient for 32 teenagers. She had had an opportunity to visit the inside of the building and had found that very small rooms are occupied by as many as four boys; and she felt that it was unfortunate that they should have to live in such dilapidated conditions in nice residential area. She supported the work of the Walden Foundation; however, she felt that the subject building should be occupied by only half of its present residents.

Commissioner Porter asked the staff if the subject facility has sufficient space for 32 individuals. Mr. Steele replied that floor space requirements are governed by the State; and he indicated that the State had apparently issued a license to the subject facility to house 32 individuals. In reply to a further question raised by Commissioner Porter, Mr. Steele stated that the State does make periodic inspections of facilities to which it has granted licensing.

Commissioner Porter then asked if the garbage can problem which had been mentioned at the preliminary hearing had been satisfactory resolved. Mr. Steele replied in the affirmative and noted that the eighth condition of the draft resolution which he had distributed to members of the Commission provided that the applicant was to maintain adequate, covered and screened refuse facilities.

A resident of 44 Alpine Terrace advised the Commission that several windows in the back of the subject building were broken. Also, in view of the fact that the building has only one garage, she was concerned as to whether residents of the building drive automobiles.

Mr. Mathews denied that the building has any broken windows; and he indicated that none of the residents of the building drive automobiles.

John Haderle, 145 Buena Vista Avenue, stated that he had raised objections to the human traffic generated by the facility during the preliminary hearing; however, that traffic had recently become less noticeable. He advised the Commission that the applicant had arranged a meeting with residents of the neighborhood; and, while the garbage can problem had been resolved, he felt that other improvements could still be achieved. He indicated that he was now prepared to withdraw his opposition to the application providing that proof could be obtained that the building in its present condition is safe for 32 occupants.

Mr. Steele stated that the State Fire Marshall had approved occupancy of the building by 32 individuals.

Mr. Mathews confirmed that the safety of the building had been certified by the Fire Marshall. Nevertheless, he personally regarded the building in its present state as a fire trap; and he indicated that his organization intended to install a new fire escape. He informed the Commission that the normal occupancy of the building if approximately 23 or 24 people and that the maximum capacity of 32 is utilized only during peak periods; however, he indicated that the facility must maintain a relatively large population just to break even.

Commissioner Ritchie felt that the burden for remedying any problems associated with the facility should lie on the shoulders of the applicant; and he reminded the applicant that any Conditional Use Authorization granted by the Commission could be revoked at any time if problems should persist.

Commissioner Miller asked if the subject facility is required to accept clients from other counties. Mr. Mathews replied in the affirmative, indicating that the facility houses 12 boys from Alameda County at the present time; however, those individuals were arrested in San Francisco.

Commissioner Miller then stated that he had no objection to people coming to San Francisco for treatment if it is the best which they can obtain; however, in view of the subject facility's density problems, he felt that housing of individuals from other counties should not be encouraged. After all, San Francisco, which has only 17 percent of the population of the Bay Area, supports 34% of the area's welfare costs.

Commissioner Porter observed that San Francisco sends many individuals to nursing homes in other communities because those facilities are operated far less expensively.

Joseph Gross, owner of property at 111 Buena Vista Avenue, stated that he was in favor of the applicant's proposal with certain reservations. While he was in full agreement that such facilities should be located in residential areas rather than in districts such as the Tenderloin, he pointed out that the subject neighborhood, in spite of its R-4 zoning, has a remarkably low density; and he was concerned about the number of people living in the

subject building. However, if the high population density is to be maintained in the building, he felt that additional security and safety measures should be provided; and he believed that construction of another fire escape for the building would be highly desirable.

Commissioner Porter observed that no building is entirely safe; however, the Commission had been advised that the subject building meets current code standards.

Commissioner Ritchie felt that the number of residents in the building should provide sufficient monthly income to enable the applicants to get the building in good repair.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7206 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.21 - 737 CLAYTON STREET, WEST SIDE, 208.75 FEET OF WALLER STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 15 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Lois Deed, currently has an occupancy for 15 persons. The facility has been in operation for 8 years with no record of problems. At the preliminary hearing, which was held on June 12, two persons spoke in favor of the application. One letter had been received in favor of the proposal; and a telegram had been received from Susan Mitchell of 175 Belvedere Street and Sal Territo of 441 Cole Street stating that they would not approve of a residential care facility at 737 Clayton Street under any conditions. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Michael Smith, representing the community Advisory Board of the Westside Community Mental Health Center, Inc., read and submitted the following statement which had been prepared by Robert Covington, Executive Director of his organization. The letter read as follows:

"The Community Advisory Board of the Westside Community Mental Health Center wishes to express its support for the Conditional Use Permit Applications before the Commission affecting Residential Care facilities within the Westside Catchment Area. As you know, Residential Care facilities provide vitally needed services to residents of our community who need their particular kind of

care. We believe these facilities before you today have been operational for some time and have successfully shown their ability to blend in with the community at large. As Westside has a great interest in the overall field of mental health, we will in the next few months be looking at ways of offering further support for both the operators and clients of these homes.

"We strongly urge the Commission grant approval of these Conditional Use permits."

No one else was present in favor of or in opposition to the subject application.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7207 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU74.22 - 115 FREDERICK STREET, SOUTHEAST CORNER DELMAR STREET. REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE FACILITY FOR 21 PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), described the subject property. He stated that the existing facility, which is operated by Lawyer Pearson, currently has an occupancy of 21 persons. He stated that the facility has been in operation for 9 years with no record of problems. At the preliminary hearing, which was held on June 12, one person spoke in favor of the application. The Department of City Planning had received one letter in support of the application. He recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

No one was present in the audience to speak in favor of or in opposition to the subject application.

After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7208 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary